

ITEM 5.3: CONSULTATION ON EXTENSION OF SIMPLIFIED DIVORCE

PURPOSE

1. To present to SCJC members the draft Extension of Simplified Divorce/Dissolution of Civil Partnership Consultation on Draft Rules of Court [**Paper 5.3A**].

DISCUSSION

2. At its meeting of 2 September 2013 the FLC considered a proposal by the Scottish Government that simplified divorce and simplified dissolution of civil partnership be extended to cases where there are children of the marriage or family under the age of 16, and where there is no dispute as to the arrangements for their upbringing.
3. Draft rules were developed and discussed over several FLC meetings and at its 2 June 2014 meeting the FLC took the view that it would be useful to consult on the draft rules. A paper was therefore provided for the SCJC meeting of 30 June 2014 inviting it to consult on the draft rules. The Council agreed to carry out a consultation on the draft rules to complement the Scottish Government's planned consultation on the making of orders under section 8(4) of the Civil Evidence (Scotland) Act 1988.
4. The FLC considered a draft consultation paper by correspondence over the summer. The initial draft has been revised in light of comments received
5. Respondents views are sought on 9 questions, listed at p. 10 of **Paper 5.3A**.
6. Secretariat is liaising with Scottish Government officials to agree a suitable date for publishing both consultations in parallel. It is anticipated that this will be later this year.

Recommendation

7. **Members are invited to agree to the Extension of Simplified Divorce/Dissolution of Civil Partnership Consultation on Draft Rules of Court being issued in parallel with the Scottish Government's consultation on the making of orders under section 8(4) of the Civil Evidence (Scotland) Act 1988.**

Scottish Civil Justice Council Secretariat
September 2014