

John C. McInnes

**Divorce Law and Practice
in Scotland**

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PREFACE

The law with which this book attempts to deal is in need of codification. Some problems involve a considerable chase around the legislation. The book is not intended as a treatise on family law. I hope that it will be of use to lawyers and to students of law as a practical handbook. Much of our law is based on practice. The practice of our courts is not universally the same nor is practice rigid and unadaptable. I can only reflect practice as I find it to be at the time of writing.

I have not referred to all those cases which are nowadays briefly reported but which do not seem to raise matters of principle. Nor have I attempted to deal substantially with the earlier authorities many of which have been superseded as a result of the extensive and recent legislation in this field. One practical problem was how to tackle the subject. I have settled on a chronological order by topics as if there was an imaginary divorce action in progress. I have assumed that the user will not read the book from cover to cover and would prefer not to be referred constantly to other parts of the book. This has led to a certain amount of repetition for which I apologise. In the text I have assumed that those seeking divorce are almost invariably female. Otherwise I have written in the masculine, for brevity and for no more chauvinistic reason.

I would not dare to dedicate a book on divorce to my wife. I hope that my children will never have the need of it. I am very grateful to my wife for the use of her word processor and for putting up with the consequences of my gross underestimate of the time which it takes to write even a short book.

I am also grateful to Mr M G Bonar, Deputy Principal Clerk of Session, Mr Brian Sullivan, Sheriff Clerk at Cupar, and his then Depute Mr Ian Foote for many helpful comments. I would be obliged if the many errors which I have no doubt missed could be pointed out to me, lest there be another edition. I have attempted to state the law as at 25 October 1990.

J.C. McL.
Cupar
October 1990

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