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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 198**

**Act of Sederunt (Sheriff Court Caveat Rules) 2006**

**Orders against which caveats may be lodged**

**2.** –

(1) Subject to paragraphs (2) and (3), a person may lodge a caveat against only—

- (a) an interim interdict sought against the person in an ordinary cause before the person has lodged a notice of intention to defend;
- (b) an interim order sought against the person in an ordinary cause before the expiry of the period within which the person could lodge a notice of intention to defend;
- (c) an interim order sought against the person in a summary application before service of the initial writ;
- (d) an order for intimation, service and advertisement of a petition to wind up, or appoint an administrator to, a company in which he has an interest;
- (e) an order for intimation, service and advertisement of a petition for his sequestration; and
- (f) the disposal of a commissary application.

(2) In this rule—

- (a) “interim order” does not include an order under section 1 of the Administration of Justice (Scotland) Act 1972 (orders for inspection of documents and other property etc.)(1); and
- (b) “commissary application” means an application for—
  - (i) confirmation;
  - (ii) appointment of an executor; or
  - (iii) restriction of caution in respect of an executor.

(3) A person may lodge a caveat against an order mentioned in paragraph (1)(d) only where the person is a company, debenture holder, holder of a floating charge, receiver, shareholder of the company or other person claiming an interest.