
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 6

Act of Sederunt (Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Miscellaneous) 2007

Amendment of Summary Cause Rules

4.—(1) The Act of Sederunt (Summary Cause Rules) 2002⁽¹⁾ is amended in accordance with the following sub-paragraphs.

(2) In rule 1.1(2) (interpretation), after the definition of “authorised lay representative” there shall be inserted the following:—

““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”.

(3) In rule 2.1(representation)—

(a) for paragraph (1) there shall be substituted the following:—

“(1) A party may be represented by—

(a) an advocate;

(b) a solicitor;

(c) a person authorised under any enactment to conduct proceedings in the sheriff court, in accordance with the terms of that enactment; and

(d) subject to paragraphs (2) and (4), an authorised lay representative.”; and

(b) in paragraph (3), for “an authorised lay representative” there shall be substituted “the persons referred to in paragraph (1)(c) and (d) above”.

(4) In rule 23.3 (expenses), in paragraphs (3) and (4)(i), after “representative” there shall be inserted “or a person authorised under any enactment to conduct proceedings in the sheriff court”.

(5) In rule 24.1(7) (recall of decree), for “in terms of rule 8.3” there shall be substituted “as a hearing held under rules 8.2(3) to (7) and 8.3”.

(6) In rule 30.4 (preservation of defender’s goods and effects) “and the defender is neither present nor represented” shall be omitted.

(7) After Chapter 36 (equality enactments)⁽²⁾ there shall be inserted—

“Chapter 37

LIVE LINKS

37.1.—(1) On cause shown, a party may apply by incidental application for authority for the whole or part of—

(a) the evidence of a witness or the party to be given; or

(1) [S.S.I. 2002/132](#), amended by [S.S.I. 2002/516](#), [2003/216](#), [2004/197](#), [2005/648](#) and [2006/509](#).

(2) Chapter 36 was inserted by [S.S.I. 2006/509](#).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Act of Sederunt (Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Miscellaneous) 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(b) a submission to be made,
through a live link.

(2) in paragraph (1)–

“witness” means a person who has been or may be cited to appear before the court as a witness;

“submission” means any oral submission which would otherwise be made to the court by the party or his representative in person including an oral submission in support of an incidental application; and

“live link” means a live television link or such other arrangement as may be specified in the incidental application by which the witness, party or representative, as the case may be, is able to be seen and heard in the proceedings or heard in the proceedings and is able to see and hear or hear the proceedings while at a place which is outside the court room.”.

Commencement Information

II Para. 4 in force at 29.1.2007, see [para. 1\(1\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- para. 2(14)(15)para. 2(16)(f)-(k) coming into force by [S.S.I. 2007/6 para. 1\(2\)](#)
- para. 2(13) revoked by [S.S.I. 2023/168 para. 4\(1\)\(a\)](#)