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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Court of Session Act 1988. 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)

SCHEDULES

SCHEDULE 1 **S**

Section 52(1).

MINOR AMENDMENTS

The Jury Trials (Scotland) Act 1815 (c.42)

- 1 In section 20 (common jury summons)—
- (a) for the words from the beginning to “sheriff principal” there shall be substituted the words “immediately upon receipt of the authority or precept issued under section 12 of the Court of Session Act 1988, the sheriff principal”;
 - (b) for the words “to the clerk of the jury” there shall be substituted the words “to a clerk of”;
 - (c) the words “by the clerk of the jury court” where they occur for the second time shall cease to have effect.

The Sheriff Courts (Scotland) Act 1907 (c.51)

- 2 After section 38A there shall be inserted the following—
- “Consistorial Causes

38B Lord Advocate as party to action for divorce.

- (1) The Lord Advocate may enter appearance as a party in any action for divorce, and he may lead such proof and maintain such pleas as he thinks fit, and the sheriff shall, whenever he considers it necessary for the proper disposal of any such action, direct that the action shall be brought to the notice of the Lord Advocate in order that he may determine whether he should enter appearance therein.
- (2) No expenses shall be claimable by or against the Lord Advocate in any action in which he has entered appearance under this section.

38C Orders with respect to children.

- (1) In any action for divorce or separation, the sheriff may make, with respect to any child of the marriage to which the action relates, such order (including an interim order) as he thinks fit relating to parental rights, and may vary or recall such order.
- (2) In this section—
 - (a) “child” and “parental rights” have the same meaning as in section 8 of the Law Reform (Parent and Child)(Scotland) Act 1986;
 - (b) “child of the marriage” includes any child who—
 - (i) is the child of both parties to the marriage, or

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(ii) is the child of one party to the marriage and has been accepted as a child of the family by the other party.”.

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