
EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes miscellaneous amendments to the rules of procedure in the sheriff court. It amends the Ordinary Cause Rules, the Summary Applications, Statutory Applications and Appeals etc. Rules, the Summary Cause Rules, and the Small Claim Rules.

The Ordinary Cause Rules are amended by article 2 of this Act as follows:–

- (a) Paragraph (3) amends rule 5.4 to permit a sheriff officer to effect service without possessing the relevant document or copy interlocutor, provided that the firm employing him or her does possess it.
- (b) Paragraph (4) amends rule 5.5 to give effect to Council Regulation (EC) No 1348/2000 on the service in the European Community of judicial and extrajudicial documents in a civil or commercial action. The appropriate authority of an applicable country, or a British Consular Office, may only be used for such service in exceptional circumstances.
- (c) Paragraphs (5) and (6) amend the rules on third party procedure. Rule 20.4 is amended so that where a Minute of Amendment is lodged to set out the basis of a claim against a third party, that Minute should be served with the third party notice. A new rule 20.5A prevents a motion for decree against the third party being enrolled unless a motion is enrolled to have the pleadings amended by any such Minute.
- (d) Paragraph (7) makes a minor amendment to rule 23.1 for the sake of clarity.
- (e) Paragraphs (8)(a)(i), (8)(b), (10), (11) and (12) amend rules 33.6, 33.88, 33.90 and 33.91 to change the reference to an order under section 11 of the Child Support Act 1991 (c. 48) from a maintenance assessment to a maintenance calculation, following the amendment of the 1991 Act by the Child Support, Pensions and Social Security Act 2000 (c. 19).
- (f) Paragraph (8)(a)(ii) makes a minor typographical amendment to rule 33.6.
- (g) Paragraph (9) amends rule 33.51 so that an application under section 28(10) or 48(9) of the Welfare Reform and Pensions Act 1999 (c. 30) to extend the period within which the person responsible for pension arrangements must receive a copy of a pension sharing order or agreement, shall be made by minute in the process of the action to which the application relates.
- (h) Paragraph (13) amends rule 41.2 so that an application under the Protection from Abuse (Scotland) Act 2002 (asp 14) may be made by minute, with answers by the opponent if ordered.
- (i) Paragraph (14) makes a minor amendment to Form F9.

The Summary Applications Rules are amended by article 3 of this Act as follows:–

- (a) Paragraph (3) amends rule 2.11 in the same way as rule 5.4 of the Ordinary Cause Rules is amended by this Act.
- (b) Paragraph (4) amends rule 2.12 in the same way as rule 5.5 of the Ordinary Cause Rules is amended by this Act.
- (c) Paragraph (5) makes a minor typographical amendment to rule 3.8.4.

The Summary Cause Rules are amended by article 4 of this Act as follows:–

- (a) Paragraph (3) makes a minor typographical amendment to rule 27.5.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(b) Paragraph (4) makes minor amendments to forms 1a and 18.

The Small Claim Rules are amended by paragraph (2) of article 5 of this Act, so that minor amendments are made to forms 1a and 12.