

SCHEDULE

Paragraph 2(8)

PART 1

FORM 49.8-N Form of notice of intimation to a child of a family action in which an order under section 11 of the Children (Scotland) Act 1995 or Article 12 of the Hague Convention when regulated by Council Regulation (E.C.) NO. 2201/2003 of 27th November 2003, is sought

Rule 49.8(7) and Rule 70.16

Court Ref. No.

PART 1

THIS PART MUST BE COMPLETED BY THE PURSUER'S SOLICITOR IN LANGUAGE THAT A CHILD IS CAPABLE OF UNDERSTANDING

To: *(name and address of child)*

The court has been asked by your father [or mother, or *(other relative or person as the case may be)*] to decide *(insert appropriate wording to explain section 11 or Article 12 order[s] sought)*.

If you want to tell the court your views, you should complete Part 2 of this form and return it to the court in the envelope provided by *(insert date)*. This envelope does not need a stamp.

If you return the form, it will be given to the court. The judge may wish to speak to you, and may ask you to come and see him or her.

IF YOU DO NOT UNDERSTAND THIS FORM OR IF YOU WANT HELP TO COMPLETE IT you may get help from a SOLICITOR or you may contact the SCOTTISH CHILD LAW CENTRE ON the FREE ADVICE TELEPHONE LINE ON 0800 328 8970

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PART 2

IF YOU WISH THE COURT TO KNOW YOUR VIEWS ABOUT YOUR FUTURE YOU SHOULD COMPLETE THIS PART OF THE FORM

To: Deputy Principal Clerk of Session

Court Ref. No.

From *(insert name of child)*

1. Do you want the court to know what your views are about your future?

YES

NO

Please tick

2. Would you like someone else to tell the court what your views are about your future?

YES

NO

Please tick

If YES, please write this person's name and address below:

Name:

Address:

3. Would you like to write to the court to give your views about your future?

YES

NO

Please tick

If YES, please write your views below. You may continue on a separate piece of paper.

Thank you for taking the time to respond. Please now return the form and any separate piece of paper in the envelope provided.

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PART 2

FORM 62.69 Form of petition for enforcement of a judgment under Article 28 of the Council Regulation

Status: This is the original version (as it was originally made).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

Rule 62.69(1)

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

PETITION

of

[A.B.] (*Designation and address*)

under Council Regulation (E.C.) No. 2201/2003 of 27th November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility

for registration of

a judgment [*or authentic instrument or enforceable agreement*] of the (*name of court*)

dated the day of

HUMBLY SHEWETH:

1. That this petition is presented by [A.B.] to register a judgment [*or (as the case may be)*] of the (*name of court*) of (*date of judgment or as the case may be*).
2. That in the cause in which the judgment [*or (as the case may be)*] was pronounced, [A.B.] was pursuer [*or defender or (as the case may be)*] and [C.D.] was defender [*or pursuer or (as the case may be)*].
3. That the petitioner is a party having an interest to enforce the judgment [*or (as the case may be)*] because (*state reasons*).
4. That this petition is supported by the affidavit of (*name of deponent*) and the documents produced with it.
5. That the petitioner seeks warrants to register the judgment [*or (as the case may be)*] [and for decree in terms thereof] [*or and for decree to be pronounced in the following or such other terms as to the court seem proper:—(state terms in which decree is to be pronounced in accordance with Scots law)*].
6. That the petition is made under Article 28 of the Council Regulation (E.C.) No. 2201/2003 of 27th November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility and rule 62.69 of the Rules of the Court of Session 1994 [*or (as the case may be)*].

According to Justice etc.

(Signed)

Petitioner
 [*or Solicitor [or Agent] for petitioner*]
 [Address of solicitor or agent]
 [*or counsel or other person having a right of audience*].

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FORM 62.73 Form of notice of decree and warrant for registration of a judgment under Article 28 of the Council Regulation

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Rule 62.73

IN THE COURT OF SESSION

in the

PETITION of

[A.B.] (*designation and address*)

under Council Regulation (E.C.) No. 2201/2003 of 27th November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility

for registration of

a judgment [*or authentic instrument or enforceable agreement*][of the (*name of court*)]

dated the day of

Date: (*date of posting or other method of service*)

To: (*name of person against whom judgment was given and decree and warrant granted*)

TAKE NOTICE:

That an interlocutor dated the day of , a certified copy of which is attached, was pronounced at the Court of Session granting decree and warrant for registration of the judgment [*or (as the case may be)*][of the (*name of court*) dated the day of , for (*state briefly the terms of the judgment*).

You have the right to appeal to a Lord Ordinary in the Outer House of the Court of Session, Parliament Square, Edinburgh, EH1 1RQ against the interlocutor granting decree and warrant for registration within one month [*or two months (as the case may be)*] after the date of service of this notice upon you. The date of service is the date stated at the top of this notice unless service has been executed by post in which case the date of service is the day after that date.

An appeal must be by motion enrolled in the process of the petition.

The registered judgment and decree of the Court of Session may not be enforced in Scotland until the expiry of the period within which you may appeal and any appeal has been disposed of.

Intimation of an appeal should be made to the petitioner, [A.B.], at the following address for service in Scotland:— (*specify address*)

(Signed)

Messenger-at-Arms

[*or* Petitioner [*or* Solicitor [*or* Agent] for Petitioner]] (*Address*)

PART 3

FORM 88.5 Form of notice of intimation of a hearing to determine jurisdiction under Article 15 of Council Regulation (E.C.) No. 2201/2003 of 27th November 2003

Rule 88.5(3)

Date: *(date of posting or other method of intimation)*

To: *(name and address)*

TAKE NOTICE

(Name and address of pursuer) has lodged a summons in the Court of Session against *(name and address of defender)*.

The parties are presently engaged in proceedings involving matters of parental responsibility in *(specify court in other Member State where proceedings are ongoing)* and a request has been made to the Court of Session to accept jurisdiction of these proceedings and for the action to be dealt with in the Court of Session.

A hearing has been fixed on *(date)* at *(time)* within the Court of Session to determine the issue of jurisdiction.

You may appear or be represented by a person having a right of audience before the Court of Session at the hearing.

You or your representative will be asked whether you agree to jurisdiction being accepted by the Court of Session and the proceedings involving matters of parental responsibility being dealt with in the Court of Session.

If you do not appear or are not represented at the hearing the court may decide whether to accept jurisdiction in your absence.

(Signed)

Solicitor *[or Agent]* for Pursuer

[or as the case may be]

(Address)