

2007 No. 351

SHERIFF COURT

Act of Sederunt (Sheriff Court European Enforcement Order Rules) Amendment (Extension to Denmark) 2007

Made - - - - *29th June 2007*

Coming into force - - *1st July 2007*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(a), and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court European Enforcement Order Rules) Amendment (Extension to Denmark) 2007 and shall come into force on 1st July 2007.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of the Sheriff Court European Enforcement Order Rules

2.—(1) The Act of Sederunt (Sheriff Court European Enforcement Order Rules) 2005(b) shall be amended in accordance with the following sub-paragraph.

(2) In rule 1(3) (interpretation) for the definition of “Council Regulation (EC) No. 44/2001” there shall be substituted the following:—

“Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters as amended from time to time and as applied by the Agreement of 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters(c);”.

A C HAMILTON
Lord President
I.P.D.

Edinburgh
29th June 2007

(a) 1971 c.58; section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c.32), section 2(4), the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), Schedule 5, paragraph 13, and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43, and the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(2), and was extended by the Child Support Act 1991 (c.48), sections 39(2) and 49.

(b) S.S.I. 2005/523.

(c) O.J. No. L 012, 16.01.01, p.1 and O.J. L 299, 16.11.05, p.62-70.

EXPLANATORY NOTE

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

This Act of Sederunt amends the rules of procedure in the sheriff court for applications for European Enforcement Order certificates for enforcement of judgments in other Member States of the European Community.

The amendment takes account of the extension of Council Regulation 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to Denmark by an Agreement between the European Community and the Kingdom of Denmark dated 19th October 2005 and coming into force on 1st July 2007.

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