

SCHEDULE

Paragraph 2(20)

Form 62.28

Form of petition for registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 or under Article 38, Article 57 or Article 58 of the Council Regulation or the Lugano Convention

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

PETITION

of

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

under the Civil Jurisdiction and Judgments Act 1982 [*or under Council Regulation (E.C.) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters or under the Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed by the European Community on 30th October 2007*]

for registration of

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

dated the day of

HUMBLY SHEWETH:—

1. That this petition is presented by (*name*) to register a judgment [*or authentic instrument or court settlement*] [*of the (name of court) of (date of judgment)*].
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 warrant to register the judgment [*or as the case may be*] [*and for decree in terms thereof*] [*and for decree to be pronounced in the following or such other terms as to the court may seem proper:— (state terms in which decree is to be pronounced in accordance with Scots law)*].
6. That the petitioner seeks the authority of the court to execute the protective measure[s] of (*state measures*), for the following reasons (*state reasons*).

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7. That this petition is made under section 4 of, and under Article 31 [or 50] of the Convention in Schedule 1 to, the Civil Jurisdiction and Judgments Act 1982 [or under Article 38 [or 57 or 58] of Council Regulation (E.C.) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters] [or under Article 38 [or 57 or 58] of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, signed by the European Community on 30 October 2007] and rule 62.28 of the Rules of the Court of Session 1994.

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]

Status: This is the original version (as it was originally made).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

Form 62.33

Form of notice of decree and warrant for registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 or under Article 38, Article 57 or Article 58 of the Council Regulation or the Lugano Convention

IN THE COURT OF SESSION

in the

PETITION

of

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

under section 4 of the Civil Jurisdiction and Judgments Act 1982 [*or under Article 38 [or 57 or 58] of Council Regulation (E.C.) No. 22/2002 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters or the Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed by the European Community on 30th October 2007]*

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 notice 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:- (*address*).

(*Signed*)

Messenger-at-Arms
[*or Petitioner [or Solicitor] [or Agent] for petitioner*]
(*Address*)