
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 63

**Act of Sederunt (Rules of the Court of
Session Amendment) (Miscellaneous) 2009**

Actions of proving the tenor

6.—(1) For rule 52.3 (proof in undefended actions of proving the tenor), substitute—

“**52.3.**—(1) In an action of proving the tenor in which no defences have been lodged, evidence shall be given by affidavit unless the court otherwise directs.

(2) In an action to which paragraph (1) applies, if counsel or other person having a right of audience, on consideration of the available affidavits and supporting documents, is satisfied that a motion for decree may properly be made, he may move the court by minute in Form 52.3 to grant decree in terms of the summons.

(3) The court may, on consideration of the minute, affidavits and any other supporting documents, without requiring appearance—

(a) grant decree in terms of the minute; or

(b) put the action out by order for further procedure, if any, including proof by parole evidence, as the court thinks fit.”.

(2) After Form 51.5 (form of advertisement for objections and claims in action of multiplepinding), insert the Form 52.3 set out in the Schedule to this Act of Sederunt.