
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 190

**Act of Sederunt (Rules of the Court of Session
Amendment No. 3) (Miscellaneous) 2011**

Registration and enforcement of measures for the protection of children

4.—(1) The Rules are amended in accordance with the following subparagraphs.

(2) In Chapter 62 (recognition, registration and enforcement of foreign judgments etc.), after Part XIII (UNCITRAL model law on cross-border insolvency)(1) insert—

“PART XIV

**PARENTAL RESPONSIBILITY AND MEASURES
FOR THE PROTECTION OF CHILDREN**

Application and interpretation of this Part

62.97.—(1) This Part applies to the registration and enforcement of a measure under Article 24 or Article 26 of the 1996 Convention.

(2) In this Part—

“the 1996 Convention” means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, signed at The Hague on 19th October 1996(2);

“Contracting State” means a state party to the 1996 Convention.

Enforcement, recognition or non-recognition of measures from a Contracting State

62.98.—(1) An application—

(a) under Article 24 of the 1996 Convention for recognition or non-recognition of a measure taken in a Contracting State other than the United Kingdom; or

(b) under Article 26 of the 1996 Convention for enforcement of a measure taken in a Contracting State other than the United Kingdom,

shall be made by petition in Form 62.98.

(2) The petition shall include averments on the matters outlined at Article 23(2) of the 1996 Convention (grounds for refusal of recognition).

(3) There shall be produced with the petition an authentic copy of any judgment or other document which outlines the measure to be registered.

(4) The court shall, on being satisfied that the petition complies with the requirements of the 1996 Convention, pronounce an interlocutor—

(1) Part XIII of Chapter 62 was inserted by [S.S.I. 2006/199](#).

(2) Cm 7727.

- (a) granting warrant for the registration of the measure; and
- (b) where necessary, granting decree in accordance with Scots law.

(5) The interlocutor pronounced under paragraph (4) shall specify that the petitioner may register the measure under rule 62.100 (registration under the 1996 Convention).

Intimation to the petitioner

62.99. Where the court pronounces an interlocutor under rule 62.98(4) the Deputy Principal Clerk shall intimate such interlocutor to the petitioner, by sending to his address for service in Scotland a certified copy of the interlocutor by registered post or the first class recorded delivery service.

Registration under the 1996 Convention

62.100.—(1) Where the court pronounces an interlocutor under rule 62.98(4) granting warrant for registration, the Deputy Principal Clerk shall enter the measure in the register of judgments, authentic instruments and court settlements kept in the Petition Department.

(2) On presentation by the petitioner to the Keeper of the Registers of—

- (a) a certified copy of the interlocutor under rule 62.98(4) granting warrant for registration,
- (b) an authentic copy of any judgment or other document which outlines the measure to be registered and any translation of such a document,

they shall be registered in the register of judgments in the Books of Council and Session.

(3) On registration under paragraph (2), the Keeper of the Registers shall issue an extract of the registered document with a warrant for execution.

Service of warrant for registration under the 1996 Convention

62.101. The petitioner shall serve a copy of the interlocutor under rule 62.98(4) granting warrant for registration of a judgment and notice in Form 62.101 on the person against whom enforcement is sought.”.

(3) At the appropriate place in the appendix insert the forms set out in Schedule 1 to this Act of Sederunt.