
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 171

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 3) 2013**

Adults with incapacity

2.—(1) The Summary Application Rules are amended in accordance with the following subparagraphs.

(2) For rule 3.16.4(1) (service of application)(1) substitute—

“**3.16.4.—**(1) Service of the application or other proceedings and subsequent proceedings, including proceedings for renewal of guardianship orders, shall be made in Form 20 on —

- (a) the adult;
- (b) the nearest relative of the adult;
- (c) the primary carer of the adult (if any);
- (d) the named person of the adult (if any);
- (e) any guardian, continuing attorney or welfare attorney of the adult who has any power relating to the application or proceedings;
- (f) the Public Guardian;
- (g) where appropriate, the Mental Welfare Commission;
- (h) where appropriate, the local authority;
- (i) where a guardianship order has been made under section 57(2)(c) or section 58(1A) of the Criminal Procedure (Scotland) Act 1995, to the Lord Advocate and, where the order was made by—
 - (i) the High Court of Justiciary, to the Clerk of Justiciary; or
 - (ii) a sheriff, to the sheriff clerk of the Sheriff Court in which the order was made;
- (j) any other person directed by the sheriff.”

(3) The heading of rule 3.16.4 becomes “Service of application and renewal proceedings”.

(4) Rule 3.16.8(5)(2) is omitted.

(1) Rule 3.16.4 was amended by [S.S.I. 2002/146](#) and [2008/111](#).

(2) Rule 3.16.8(5) was inserted by [S.S.I. 2008/111](#)