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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 293**

**Act of Sederunt (Summary Applications, Statutory Applications  
and Appeals etc. Rules Amendment) (Miscellaneous) 2013**

**Adults with Incapacity** **S**

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

(2) In rule 3.16.1 (Interpretation)(1), for the definition of “guardianship order” substitute—

““guardianship order” means an order made under—

- (a) section 57(2)(c) or section 58(1A) of the Criminal Procedure (Scotland) Act 1995; or
- (b) section 58(4) of the 2000 Act;”.

(3) In rule 3.16.4 (Service of application and renewal proceedings)(2)—

- (a) in paragraph (1) at the end of head (ii) of subparagraph (i), insert “and”;
- (b) in paragraph (4)—
  - (i) at the beginning of subparagraph (a), insert “immediately”;
  - (ii) in subparagraph (b) before “complete”, insert “, and in any event before the date of the hearing specified in Form 20,”.

(4) In rule 3.16.8 (Subsequent applications)(3)—

- (a) after paragraph (1), insert—

“(1ZA) Where a guardianship order has been made under section 57(2)(c) or section 58(1A) of the Criminal Procedure (Scotland) Act 1995, an application to renew it shall be made—

  - (a) on the first such application, in Form 23;
  - (b) on any subsequent application, in the form of a minute lodged in the process.”;
- (b) in paragraph (1A) for “any such minute” substitute “any minute lodged under this rule”.

(5) In Form 21 (Form of notice to managers)(4) after “You are requested”, insert “immediately on receipt”.

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**Commencement Information**

**II** Para. 2 in force at 11.11.2013, see [para. 1\(2\)](#)

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(1) Rule 3.16.1 was inserted by [S.S.I. 2001/142](#), and amended by [S.S.I. 2002/146](#), [2005/445](#) and [2008/111](#).  
(2) Rule 3.16.4 was inserted by [S.S.I. 2001/142](#), and amended by [S.S.I. 2002/146](#) and [2013/171](#).  
(3) Rule 3.16.8 was inserted by [S.S.I. 2001/142](#), and amended by [S.S.I. 2002/146](#), [2008/111](#) and [2013/171](#).  
(4) Form 21 was inserted by [S.S.I. 2001/142](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules Amendment) (Miscellaneous) 2013, Section 2.