

SCHEDULE **S**

Paragraph 2(14)

PART 1 **S**

Rule 62.28

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 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 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).
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 the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, signed by the European Community on 30th 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]

Form 62.33

Rule 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 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 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.

Changes to legislation: There are currently no known outstanding effects for the Act of Sederunt (Rules of the Court of Session Amendment) (Regulation (EU) No. 1215/2012) 2015, SCHEDULE. (See end of Document for details)

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)

PART 2 S

Form 62.42C-A

Rule 62.42C(1)
Form of petition under Articles 36(2), 45(1), 46, 58(1) or 59 of the Brussels I (recast) Regulation

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION
PETITION
of
[A.B.] (designation and address)
under Regulation (E.U.) 1215/2012 of the European Parliament and of the Council of 12th December 2012 on jurisdiction and the recognition and enforcement of judgments in civil matters (recast)
for
a decision under Article 36(2) that there are no grounds for refusal of recognition
[or refusal of recognition of a judgment under Article 45(1)]
[or refusal of enforcement of a judgment under Article 46]
[or refusal of enforcement of an authentic instrument under Article 58(1)]
[or refusal of enforcement of a court settlement under Article 59]

HUMBLY SHEWETH:
1. That this petition is presented by (name) for (specify nature of petition, including the Article of the Brussels I (recast) Regulation under which it is brought) in respect of a judgment [or authentic instrument] [or court settlement] [of the (name of court) of (date of judgment etc.)].
2. That in the cause in which the judgment [or authentic instrument] [or court settlement] was pronounced, [A.B.] was defender [or pursuer (or as the case may be)] and [C.D.] was pursuer [or defender (or as the case may be)].
3. That the petitioner has an interest to seek a decision that there are no grounds for refusal of recognition [or to seek refusal of recognition [or enforcement]] because: (specify reasons).
4. That the petitioner seeks a decision that there are no grounds for refusal of recognition [or seeks refusal of recognition [or enforcement]] because: (specify reasons).

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]

Form 62.42C-B

Rule 62.42C(2)
Form of petition for an adaptation order under Article 54(1) of the Brussels I (recast) Regulation

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION
PETITION
of
[A.B.] (designation and address)
under Regulation (E.U.) 1215/2012 of the European Parliament and of the Council of 12th December 2012 on jurisdiction and the recognition and enforcement of judgments in civil matters (recast)
for
an adaptation order

HUMBLY SHEWETH:
1. That this petition is presented by (name) for an adaptation order in respect of a judgment [or authentic instrument] [or court settlement] [of the (name of court) of (date of judgment etc.)].
2. That in the cause in which the judgment [or authentic instrument] [or court settlement] 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 judgment [or authentic instrument] [or court settlement] contains the following measure or order which is not known to the law of Scotland: (specify measure or order and its nature and effect).
4. That the petitioner seeks an adaptation order in respect of that measure or order, and for decree to be pronounced in the following terms, or such other terms as to the court seem proper: (specify terms in which the measure or order is to be adapted, and decree pronounced in accordance with Scots law).

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]

Changes to legislation: There are currently no known outstanding effects for the Act of Sederunt (Rules of the Court of Session Amendment) (Regulation (EU) No. 1215/2012) 2015, SCHEDULE. (See end of Document for details)

Form 62.42C-C

Rule 62.42C(3)

Form of petition for a challenge to the adaptation of a measure or order under Article 54 of the Brussels I (recast) Regulation

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

PETITION

of

[A.B.] (designation and address)

under Regulation (E.U.) 1215/2012 of the European Parliament and of the Council of 12th December 2012 on jurisdiction and the recognition and enforcement of judgments in civil matters (recast)

challenging the adaptation of a measure or order which is not known to the law of Scotland

HUMBLY SHEWETH:

1. That this petition is presented by (name) to challenge the adaptation of a measure or order contained in a judgment [or authentic instrument] [or court settlement] [of the (name of court) of (date of judgment) etc.].
2. That in the cause in which the judgment [or authentic instrument] [or court settlement] 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 measure or order in question is in the following terms: (specify measure or order and its nature and effect).
4. That the measure or order was adapted as follows: (specify the circumstances of the adaptation, including the authority by whom it was adapted, the nature of the adaptation and the date of the adaptation).
5. That the petitioner challenges the adaptation of the measure or order because: (specify reasons).
6. That the petitioner considers that the measure or order should not be adapted, and seeks to have the adaptation set aside.

[or 6. That the petitioner seeks an adaptation order in respect of the measure or order, and for decree to be pronounced in the following terms, or such other terms as the court seem proper: (specify terms in which the measure or order is to be adapted, and decree pronounced in accordance with Scots law.)

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]

Changes to legislation:

There are currently no known outstanding effects for the Act of Sederunt (Rules of the Court of Session Amendment) (Regulation (EU) No. 1215/2012) 2015, SCHEDULE.