

SCHEDULE

PART 2

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, PART 2. (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 (EU) 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, PART 2.