
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 166

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (Miscellaneous) 2020

Amendment of the Rules of the Court of Session 1994

- 2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.
(2) After Chapter 108 (challenges to validity of EU instruments (EU Exit))⁽²⁾, insert—

“CHAPTER 109

CARE HOMES: EMERGENCY INTERVENTION ORDERS

Interpretation and application of this Chapter

109.1.—(1) In this Chapter—

“the 2010 Act” means the Public Services Reform (Scotland) Act 2010 as modified by paragraph 17 (emergency intervention orders) of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020⁽³⁾;

“emergency intervention order” has the meaning given by section 65A(2) (care homes: emergency intervention orders) of the 2010 Act;

(2) This Chapter applies in relation to applications made under section 65A of the 2010 Act.

Applications under section 65A of the 2010 Act

109.2.—(1) An application for an emergency intervention order under section 65A(1) of the 2010 Act must be made by petition.

(2) An interim order under section 65A(3) of the 2010 Act must be sought by prayer in the petition for the emergency intervention order.

(3) An application under section 65A(13) of the 2010 Act for variation, extension or revocation of an emergency intervention order must be made by note in the process for the emergency intervention order to which it relates.

(4) An application under section 65A(14) of the 2010 Act for variation or recall of an interim order granted under section 65A(3) of that Act must be made by motion.”.

(1) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2020/28).
(2) Chapter 108 was inserted by S.S.I. 2019/328.
(3) The Public Services Reform (Scotland) Act 2010 (asp 8) (“the 2010 Act”) was modified by paragraph 17 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 (asp 10) (“the 2020 Act”) to have effect as if after section 65 of the 2010 Act there were inserted the section 65A as narrated in paragraph 17(2) of schedule 1 of the 2020 Act.