



Divorce (Scotland) Act 1976

1976 CHAPTER 39

Financial provision for spouses and children

8 Amendment of Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963

Section 3 of the Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963 is amended as follows—

(a) For subsection (1) there shall be substituted the following subsection—

“(1) An action of interim aliment by one party to a marriage against the other may competently be brought before the sheriff as a summary cause if the aliment claimed in the action does not exceed—

- (i) the sum of £25 per week in respect of the pursuer; and
- (ii) the sum of £7.50 in respect of each child (if any) of the marriage;

and any provision in any enactment limiting the jurisdiction of the sheriff in a summary cause by reference to any amount, or limiting the period for which a decree granted by him shall have effect, shall not apply in relation to such an action of interim aliment as is described in this subsection.”

(b) In subsection (2) for the words " in the small debt court " there shall be substituted the words " as a summary cause ".

(c) After subsection (2) there shall be added the following subsections—

“(2A) The Lord Advocate may by order vary the amounts prescribed in paragraphs (i) and (ii) of subsection (1) above.

(2B) The power to make an order under the last foregoing subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and shall include power to vary or revoke any order made thereunder.”

(d) Subsection (3) is hereby repealed,

and this section shall come into force on 1st September 1976.