

Status: Point in time view as at 01/11/2007.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}FIRST SCHEDULE

ORDINARY CAUSE RULES 1993

Textual Amendments

- F1** Sch. 1 (with appendices 1 and 2) substituted (1.1.1994) for Sch. 1 (with appendix) by [S.I. 1993/1956](#), para. 2, [Sch.1](#).
Sch. 1 (except rule 29.10) excluded (1.4.1997) by [S.I. 1997/291](#), [rule 3.24](#), Sch. 3
Sch. 1 extended (14.2.2000) by [S.I. 2000/124](#), [reg. 30\(5\)](#)

SPECIAL PROVISIONS IN RELATION TO PARTICULAR CAUSES

CHAPTER 33

FAMILY ACTIONS

[^{F1}PART IX

APPLICATIONS FOR ORDERS UNDER SECTION 11 OF THE CHILDREN (SCOTLAND) ACT 1995.]

Textual Amendments

- F1** [Chapter 33 Pt. IX](#) (rules 33.60-33/65): heading substituted (1.11.1996) by [S.I. 1996/2167](#), para. 2, [Sch. para. 26](#)

Application of this Part

- ^{F2}33.60. This Part applies to an application for a section 11 order in a family action other than in an action of divorce [^{F3}, separation or declarator of nullity of marriage].]

Textual Amendments

- F2** [Rule 33.60](#) substituted (1.11.1996) by [S.I. 1996/2167](#), para. 2, [Sch. para. 27](#)
F3 Words in [Sch. 1 rule 33.60](#) substituted (4.5.2006) by Act of Sederunt (Ordinary Cause Rules) Amendment (Family Law (Scotland) Act 2006 etc.) 2006 ([S.S.I. 2006/207](#)), {rule 2(30)}

Status: Point in time view as at 01/11/2007.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Form of applications

- 33.61. Subject to any other provision in this Chapter, an application for [^{F4}a section 11 order] shall be made—
 - (a) by an action for [^{F5}a section 11 order];
 - (b) by a crave in the initial writ or defences, as the case may be, in any other family action to which this Part applies; or
 - (c) where the application is made by a person other than a party to an action mentioned in paragraph (a) or (b), by minute in that action.

Textual Amendments

F4 Words in rule 33.61 substituted (1.11.1996) by S.I. 1996/2167, para. 2, Sch. para. 28(a)

F5 Words in rule 33.61(a) substituted (1.11.1996) by S.I. 1996/2167, para. 2, Sch. para. 28(b)

Defences in action for a section 11 order

- [^{F6F6}33.62. In an action for a section 11 order, the pursuer shall call as a defender—
 - (a) the parents or other parent of the child in respect of whom the order is sought;
 - (b) any guardian of the child;
 - (c) any person who has treated the child as a child of his family;
 - (d) any person who in fact exercises care or control in respect of the child; and
 - ^{F7}(e)]

Textual Amendments

F6 Rule 33.62 substituted (1.11.1996) by S.I. 1996/2167, para. 2, Sch. para. 29

F7 Sch. 1 rule 33.62(e) omitted (2.10.2000) by virtue of S.S.I. 2000/239, para. 3(16)

Applications relating to interim orders in depending actions

- 33.63. An application, in an action depending before the sheriff to which this Part applies, for, or for the variation or recall of, ^{F8}... [^{F9}an interim residence order or an interim contact order] shall be made—
 - (a) by a party to the action, by motion; or
 - (b) by a person who is not a party to the action, by minute.

Textual Amendments

F8 Words in Sch. 1 rule 33.63 omitted (4.5.2006) by virtue of Act of Sederunt (Ordinary Cause Rules) Amendment (Family Law (Scotland) Act 2006 etc.) 2006 (S.S.I. 2006/207), {rule 2(31)}

F9 Rule 33.63: the words “an interim residence order or an interim contact order” substituted for the words “interim custody or interim access” (1.11.1996) by virtue of S.I. 1996/2167, para. 2, Sch. para. 30

^{F10}33.64.

Status: Point in time view as at 01/11/2007.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *Sheriff Courts (Scotland) Act 1907*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F10 Rule 33.64 omitted (1.11.1996) by S.I. 1996/2167, para. 2, Sch. para. 31

Applications after decree

33.65¹(1) An application after final decree for variation or recall of a section 11 order shall be made by minute in the process of the action to which the application relates.]

(2) Where a minute has been lodged under paragraph (1), any party may apply by motion for an interim order pending the determination of the application.

Textual Amendments

F11 Rule 33.65(1) substituted (1.11.1996) by S.I. 1996/2167, para. 2, Sch. para. 32

Status:

Point in time view as at 01/11/2007.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations.