

1967 No. 387 (S. 28)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 1) 1967

Made 10th March 1967
 Coming into Operation 10th March 1967

The Lords of Council and Session, under and by virtue of the Powers conferred upon them by section 10 and section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf, do hereby enact and declare as follows:

1. The Rules of Court(b) shall be amended by deleting paragraphs (d) and (e) of Rule 231 and by substituting therefor new paragraphs of that Rule as follows:

“(d) The petition shall then be put before the Lord Ordinary named in the petition on the earliest available day, but not later than the seventh day after the date of lodging. Where the seventh day expires in vacation or recess, without the petition having been brought before the Lord Ordinary, the petition shall be put before the Lord Ordinary concerned on the first sederunt day of the ensuing session.

“(e) If, when the petition is first brought before the Lord Ordinary, it appears from the petition that the parties are agreed on the facts, the Lord Ordinary shall direct the cause to be tried before him either in Court or in Chambers, on a date not later than six weeks (excluding vacation and recess) from the date of such direction except on cause shewn; and if it appears from the petition that the parties are at variance as to the facts, the Lord Ordinary shall appoint a proof to be taken before him either in Court or in Chambers.”

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 1) 1967, and shall come into operation on 10th March 1967.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
 I.P.D.

Edinburgh,
 10th March 1967.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends the Rules of Court by providing revised procedure under section 10 of the Administration of Justice (Scotland) Act 1933.