
 STATUTORY INSTRUMENTS

1971 No. 1215 (S.160)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 7) 1971

Made - - - 23rd July 1971

Coming into Operation 23rd August 1971

The Lords of Council and Session, under and by virtue of the powers conferred upon them by 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) are hereby amended as follows:

(1) By adding at the end of Rule 72 a new paragraph as follows:

“(c) The *induciae* for the citation of a defender under Rule 75A, where the defender is resident in a country outside Europe, shall be three weeks if the citation is personal and six weeks if the citation is postal.”

(2) By deleting paragraph (a) of Rule 75 and by substituting therefor a new paragraph (a) as follows:

“(a) Subject to the provisions of Rule 75A hereof, all citations against persons furth of Scotland shall be made at the office of the Extractor of the Court of Session on an *induciae* of fourteen days. The citation shall, as nearly as may be, be in the form shown in Form 4.”

(3) By deleting from paragraph (d) of Rule 75 the figure “155” and by substituting “160”.

(4) By adding between Rule 75 and Rule 76 a new Rule as follows:

“75A. *Citation in actions founded on delict.*

“(a) In any action in which the Court of Session shall have jurisdiction over a defender furth of Scotland in proceedings founded on delict, service of the summons against such defender may be effected, in addition to any method of citation competent apart from this Rule, either personally, or by posting separately in Edinburgh and in the country in which the defender is resident a registered or recorded delivery letter or the nearest equivalent thereof which the available postal services permit, addressed to the defender at his residence or place of business enclosing a full copy of the summons with relative citation.

“(b) For the purposes of this Rule, personal service shall include service in accordance with the rules for personal service under the domestic law of any part of the United Kingdom so far as such rules permit the service thereby of such summons; service by the British Consul or his duly authorised depute or assistant in the country of residence of the defender; and service in accordance with any

Convention on service abroad of judicial documents in civil matters, to which the United Kingdom and the country of residence of the defender are signatories.

“(c) Posting in Edinburgh for the purposes of this Rule shall be effected by a solicitor entitled to practice in the Court of Session. The forms shown in Form 3 shall be used, *mutatis mutandis*, in the case of postal citation under this Rule, provided that a translation of the citation, in a language of the country of the defender’s residence, may be attached if appropriate.

“(d) On the face of the envelope used for postal service under this Rule there shall be written or printed a notice, with a translation where appropriate in a language of the defender’s residence, in the same or similar terms as that which is required in the case of ordinary service by registered letter, and the execution to be returned by the solicitor shall be accompanied by the relative receipt or receipts by the postal authorities receiving the letter or letters.”

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 7) 1971 and shall come into operation on 23rd August 1971.

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

Edinburgh.
23rd July 1971.

William Grant,
I.P.D.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of Court by making new provision for the service of a summons upon a defender furth of Scotland in an action founded on delict.