
STATUTORY INSTRUMENTS

1990 No. 661

Act of Sederunt (Amendment of Sheriff Court Ordinary Cause, Summary Cause, and Small Claim, Rules) 1990

Amendment of the Ordinary Cause Rules

2.—(1) The Ordinary Cause Rules of the sheriff court(1) shall be amended in accordance with the following sub-paragraphs.

(2) After rule 13 (days of charge)(2), insert the following rule:—

“Service of charge where defender’s address is unknown

13A.—(1) Where a defender’s address is unknown to the pursuer, a charge shall be deemed to have been served on the defender if it is served on the sheriff clerk of the sheriff court district where the defender’s last known address is located and is displayed by the sheriff clerk on the walls of that court for the period of the charge.

(2) On receipt of such a charge the sheriff clerk shall display it on the walls of court.

(3) The period specified in the charge shall run from the first date on which it was displayed on the walls of court and it shall remain displayed for the period of charge.

(4) On the expiry of the period of charge the sheriff clerk shall endorse a certificate on the charge certifying that it has been displayed in accordance with this rule and shall thereafter return it to the officer of court by whom service was effected.”.

(3) After rule 107 (evidence of notice to remove), insert the following rule:—

“Applications under Part II of the Conveyancing and Feudal Reform (Scotland) Act 1970

107A.—(1) An application or counter-application to the sheriff under Part II of the Conveyancing and Feudal Reform (Scotland) Act 1970(3) shall be brought—

- (a) as an ordinary cause, where any other remedy is craved; or
- (b) as a summary application, where no other remedy is craved.

(2) An interlocutor of the sheriff disposing of an application or counter-application under paragraph (1) shall be final and not subject to appeal except as to a question of title or as to any other remedy granted.”.

(4) After rule 132E (applications for interdict or interim interdict)(4), insert the following rule:—

(1) 1907 c. 51; First Schedule, substituted by S.I.1983/747; relevant amending instruments are S.I. 1988/614 and 1978.
(2) Rule 13 was substituted by S.I. 1988/1978.
(3) 1970 c. 35.
(4) Rule 132E was inserted by S.I. 1988/614.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Referral to Family Conciliation Service

132F. In any cause where the custody of, or access to, a child is in dispute the sheriff may, at any stage in the proceedings where he considers it appropriate to do so, refer the parties to a specified Family Conciliation Service.”.