
STATUTORY INSTRUMENTS

1991 No. 2205 (S.181)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Rules for the Registration of Custody Orders of the Sheriff Court) (Amendment) 1991

Made - - - - - *25th September 1991*

Coming into force - - - - - *21st October 1991*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971⁽¹⁾, sections 27(2) and 28(1) of the Family Law Act 1986⁽²⁾ and of all other powers enabling them in that behalf, do hereby enact the following Act of Sederunt which embodies with modifications draft rules submitted under section 34 of the said Act of 1971 by the Sheriff Court Rules Council:

Citation and commencement

1. –

(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules for the Registration of Custody Orders of the Sheriff Court) (Amendment) 1991 and shall come into force on 21st October 1991.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of Act of Sederunt (Rules for the Registration of Custody Orders of the Sheriff Court) 1988

2. –

(1) The Act of Sederunt (Rules for the Registration of Custody Orders of the Sheriff Court) 1988⁽³⁾ shall be amended in accordance with the following sub-paragraphs.

(2) In rule 2–

(a) in the definition of “appropriate court” after the words “Northern Ireland”, insert the words “or, in relation to a specified dependent territory, the corresponding court in that territory”;

(b) after the definition of “appropriate register” insert the following definition:–

(1) 1971 c. 58.

(2) 1986 c. 55.

(3) S.I. 1988/613.

““corresponding court” in relation to a specified dependent territory means the corresponding court specified in relation to that territory in Schedule 3 to the Family Law Act 1986 (Dependent Territories) Order 1991(4);”;

(c) in the definition of “proper officer” after the words “Northern Ireland”, insert the words “or, in relation to a specified dependent territory, the corresponding officer of the appropriate court in that territory”; and

(d) after the words “case may be” in the definition of “proper officer”, insert the following:–
“; and

“specified dependent territory” means a dependent territory specified in column 1 of Schedule 1 to the Family Law Act 1986 (Dependent Territories) Order 1991”.

(3) In rule 3(1), after the words “Northern Ireland” where they first appear, insert the words “or a specified dependent territory”.

(4) For sub-paragraph (d) of rule 3(3), substitute the following sub-paragraph:–

“(d) whether the custody order is to be registered in England and Wales, Northern Ireland or a specified dependent territory and the court in which it is to be registered;”.

Edinburgh,
25th September 1991

J.A.D. Hope
Lord President, IPD

EXPLANATORY NOTE

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

This Act of Sederunt amends Act of Sederunt (Rules for the Registration of Custody Orders of the Sheriff Court) 1988 (S.I.1988/613) to insert references to dependent territories in the definition of “appropriate court” (and consequential amendments) following the making of the Family Law Act 1986 (Dependent Territories) Order 1991 which includes the Isle of Man in the scheme for recognition and enforcement of custody orders under Part I of the Family Law Act 1986 (c. 55).