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STATUTORY INSTRUMENTS

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**1992 No. 2289 (S.222)**

**COURT OF SESSION, SCOTLAND**

**Act of Sederunt (Rules of the Court of Session  
Amendment No.9) (Miscellaneous) 1992**

*Made - - - - 17th September 1992*

*Coming into force - - 12th October 1992*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 5 of the Court of Session Act 1988(1), and of all other powers enabling them in that behalf, do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No.9) (Miscellaneous) 1992 and shall come into force on 12th October 1992.

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

**Amendment of the Rules of the Court of Session**

2.—(1) The Rules of the Court of Session(2) shall be amended in accordance with the following sub-paragraphs.

(2) For Section 10 of Chapter II (rules 131, 132, 133, and 134) substitute the following Section and rules:—

*“SECTION 10*

*disposal of awards of money payable to children*

**Order for payment and management of money**

131.—(1) In this section, “child” means a person under the age of 16 years.

(2) In any action where a sum of money becomes payable, by virtue of a decree or an extra-judicial settlement, to or for the benefit of a child, the court shall make such order regarding the payment and management of that sum for the benefit of the child as it considers appropriate.

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(1) 1988 c. 36.

(2) S.I.1965/321; relevant amending instruments are S.I. 1974/845, 1976/779, 1980/1754 and 1983/397.

(3) An order under paragraph (2) shall be made upon the granting of decree for payment or of absolutor.

### **Modes of disposal**

**132.** Subject to the generality of paragraph (2) of rule 131, the court may, in an order under that paragraph—

- (a) appoint a judicial factor to apply, invest, or otherwise deal with the money for the benefit of the child;
- (b) order the money to be paid to an appropriate sheriff clerk or to the Accountant of Court to be applied, invested, or otherwise dealt with, under the directions of the court, for the benefit of the child;
- (c) order the money to be paid to a guardian of the child to be applied, invested, or otherwise dealt with, under the directions of the court, for the benefit of the child; or
- (d) order the money to be paid directly to the child.”.

(3) For rule 288 (Social Security Acts), substitute the following rule:—

### **“Social Security Acts**

**288.**—(1) Subject to the provisions of this rule, Rules 276 to 280 shall apply to—

- (a) a reference to the court by the Secretary of State under section 18(1) of the Social Security Administration Act 1992(3);
- (b) an appeal to the court by an aggrieved person under section 18(3) of that Act;
- (c) a reference to the court by the Occupational Pensions Board under section 86 of the Social Security Act 1973(4) as amended by the Social Security Pensions Act 1975(5); and
- (d) an appeal to the court by an aggrieved person under the said section 86.

(2) An aggrieved person who wishes to appeal under this rule shall, within 28 days of—

- (a) receiving notice of the decision against which he wishes to appeal; or
- (b) receiving from the Secretary of State a statement of the grounds of the decision in accordance with the Social Security (Adjudication) Regulations 1986(6),

require by written notice the Secretary of State or Occupational Pensions Board, as the case may be, to state a case.

(3) An aggrieved person shall intimate a copy of the notice under paragraph (2) to any other party to the proceedings in which the decision appealed against was made.

(4) Where the Secretary of State or Occupational Pensions Board is required to state a case he or it, as the case may be, shall proceed to prepare a draft of the case and intimate it by registered or recorded delivery post to the aggrieved person or, as the case may be, to the other parties to the case.”.

(4) In rule 293B (Appeals from Social Security Commissioners)—

- (a) in paragraph (1) for the words “section 14 of the Social Security Act 1980(7)” substitute the words “section 24 of the Social Security Administration Act 1992”;

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(3) 1992 c. 5  
(4) 1973 c. 38.  
(5) 1975 c. 60.  
(6) S.I. 1986/2218.  
(7) 1980 c. 30.

(b) in paragraphs (5) and (6) for the words “section 14” substitute the words “section 24”.

Edinburgh,  
17th September 1992

*J.A.D. Hope*  
Lord President, IPD

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

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## EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session by—

- (a) providing new rules 131 and 132 relating to disposal of awards of money payable to children, (paragraph 2(2)); and
- (b) providing new rule 288 and amending rule 293B in consequence of the Social Security Administration Act 1992 (c. 5), (paragraph 2(3) and (4)).