
EXPLANATORY NOTE

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

This Act of Sederunt amends the Ordinary Cause Rules, and the Summary Cause Rules, of the sheriff court.

Paragraph 2(2) inserts into the Ordinary Cause Rules a new Part containing rules relating to the Child Support Act 1991.

New rule 150 provides a number of definitions for use in that Part of the Rules.

New rules 151(1) and (2) set out the information which an initial writ, minute or counterclaim must contain, and what documents it should be accompanied by, where it contains a crave relating to aliment, and where section 8(6), (7), (8) or (10) of the Child Support Act 1991 applies.

Rule 151(3) sets out information which should be included in the initial writ in an action for declarator of non-parentage or illegitimacy, and also provides for the Secretary of State to be named as a defender where an allegation of parentage has been made against the pursuer.

New rule 152 makes provision for awards of expenses where the Secretary of State is named as a defender in certain actions for declarator of non-parentage or illegitimacy but does not choose to defend that action.

New rules 153 and 154 set out the duties of the sheriff clerk in ordinary actions where a maintenance assessment has been made which affects an existing court order. Forms of certificate for endorsement on the interlocutor sheets relating to that order, on receipt of notification that a maintenance assessment has been made, cancelled or ceased to have effect, are prescribed.

Paragraph 4(2) inserts into the Summary Cause Rules new rules 95, 96 and 97 of broadly similar effect with respect to summonses and counterclaims.