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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 293**

**Act of Sederunt (Ordinary Cause Rules) Amendment  
(Causes Relating to Articles 81 and 82 of the Treaty  
Establishing the European Community) 2006**

**Citation and commencement**

**1.—**(1) This Act of Sederunt may be cited as the Act of Sederunt (Ordinary Cause Rules) Amendment (Causes Relating to Articles 81 and 82 of the Treaty Establishing the European Community) 2006 and shall come into force on 16th June 2006.

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

**Amendment of Ordinary Cause Rules**

**2.—**(1) The Ordinary Cause Rules in Schedule 1 to the Sheriff Courts (Scotland) Act 1907<sup>(1)</sup> shall be amended in accordance with the following sub-paragraphs.

(2) After Chapter 42 (competition appeal tribunal)<sup>(2)</sup> there shall be inserted the following:—

“CHAPTER 43

CAUSES RELATING TO ARTICLES 81 AND 82 OF THE  
TREATY ESTABLISHING THE EUROPEAN COMMUNITY

**Intimation of actions to the Office of Fair Trading**

**43.1.—**(1) In this rule—

“the Treaty” means the Treaty establishing the European Community; and

“the OFT” means the Office of Fair Trading.

(2) In an action where an issue under Article 81 or 82 of the Treaty is raised—

(a) by the pursuer in the initial writ;

(b) by the defender in the defences;

(c) by any party in the pleadings;

intimation of the action shall be given to the OFT by the party raising the issue by a notice of intimation in Form OFT1.

(3) The initial writ, defences or pleadings in which the issue under Article 81 or 82 of the Treaty is raised shall include a crave for warrant for intimation to the OFT.

(4) A certified copy of an interlocutor granting a warrant under paragraph (3) shall be sufficient authority for the party to intimate by notice in Form OFT1.

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(1) 1907 c. 51. Schedule 1 was substituted by S.I. 1993/1956 and amended by S.I. 1996/2167 and 2445, S.S.I. 2000/239 and 408, 2001/8 and 144, 2002/7, 128 and 566, 2003/25 and 26, 2004/197 and 350 and 2005/20, 189, 638 and 648.  
(2) Chapter 42 was inserted by S.S.I. 2004/350.

(5) A notice of intimation under paragraph (2) shall be on a period of notice of 21 days unless the sheriff otherwise orders; but the sheriff shall not order a period of notice of less than 2 days.

(6) There shall be attached to the notice of intimation—

- (a) a copy of the initial writ, defences or pleadings (including any adjustments and amendments), as the case may be;
- (b) a copy of the interlocutor allowing intimation of the notice; and
- (c) where the pleadings have not been amended in accordance with any minute of amendment, a copy of that minute.”.

(3) In Appendix 1, after Form PA1 there shall be inserted the form set out in the Schedule to this Act of Sederunt.

Edinburgh  
26th May 2006

*BRIAN GILL*  
Lord Justice Clerk I.P.D.