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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 339**

**SHERIFF COURT**

**Act of Sederunt (Ordinary Cause, Summary Application,  
Summary Cause and Small Claim Rules) Amendment  
(Equality Act (Sexual Orientation) Regulations 2007) 2007**

*Made* - - - - 22nd June 2007  
*Coming into force* - - 20th July 2007

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(1), regulation 25 of the Equality Act (Sexual Orientation) Regulations 2007(2) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Equality Act (Sexual Orientation) Regulations 2007) 2007 and shall come into force on 20th July 2007.

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

**Amendment of the Ordinary Cause Rules**

2.—(1) The Ordinary Cause Rules in Schedule 1 to the Sheriff Courts (Scotland) Act 1907(3) shall be amended in accordance with the following sub-paragraphs.

(2) After rule 44.1(2)(d) (equality enactments interpretation)(4) there shall be inserted the following:—

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- (1) 1971 c. 58; section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4), the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), Schedule 5, paragraph 13, the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43 and the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(2), and was extended by the Child Support Act 1991 (c. 48), sections 39(2) and 49.
- (2) S.I.2007/1263.
- (3) 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, 2005/20, 189, 638 and 648, 2006/207, 293, 410 and 509 and S.S.I. 2007/6.
- (4) Rules 44.1 and 44.2 were inserted by S.S.I. 2006/509.

- “(e) The Equality Act (Sexual Orientation) Regulations 2007.”.
- (3) For rule 44.2(2)(d) (relevant Commission) there shall be substituted the following:–
- “(d) for proceedings under the Equality Act 2006 and the Equality Act (Sexual Orientation) Regulations 2007, the Commission for Equality and Human Rights.”.

#### **Amendment of the Summary Application Rules**

- 3.—**(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(5) shall be amended in accordance with the following sub-paragraphs.
- (2) After rule 3.33.1(2)(d) (equality enactments interpretation)(6) there shall be inserted the following:–
- “(e) The Equality Act (Sexual Orientation) Regulations 2007.”.
- (3) For rule 3.33.2(2)(d) (relevant Commission) there shall be substituted the following:–
- “(d) for proceedings under the Equality Act 2006 and the Equality Act (Sexual Orientation) Regulations 2007, the Commission for Equality and Human Rights.”.

#### **Amendment of the Summary Cause Rules**

- 4.—**(1) The Summary Cause Rules in Schedule 1 to the Act of Sederunt (Summary Cause Rules) 2002(7) shall be amended in accordance with the following sub-paragraphs.
- (2) After rule 36.1(2)(d) (equality enactments interpretation)(8) there shall be inserted the following:–
- “(e) The Equality Act (Sexual Orientation) Regulations 2007.”.
- (3) For rule 36.2(2)(d) (relevant Commission) there shall be substituted the following:–
- “(d) for proceedings under the Equality Act 2006 and the Equality Act (Sexual Orientation) Regulations 2007, the Commission for Equality and Human Rights.”.

#### **Amendment of the Small Claim Rules**

- 5.—**(1) The Small Claim Rules in Schedule 1 to the Act of Sederunt (Small Claim Rules) 2002(9) shall be amended in accordance with the following sub-paragraphs.
- (2) After rule 26.1(2)(d) (equality enactments interpretation)(10) there shall be inserted the following:–
- “(e) The Equality Act (Sexual Orientation) Regulations 2007.”.
- (3) For rule 26.2(2)(d) (Commission) there shall be substituted the following:–
- “(d) for proceedings under the Equality Act 2006 and the Equality Act (Sexual Orientation) Regulations 2007, the Commission for Equality and Human Rights.”.

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(5) S.I. 1999/929, amended by S.S.I. 2000/18 and 387, 2001/142, 2002/7, 129, 130, 146 and 583, 2003/26, 27, 98, 261, 319, 346 and 556, 2004/197, 222, 334 and 455; 2005/61, 473, 504 and 648, 2006/410, 437 and 509, 2007/6 and 233.

(6) Rules 3.33.1 and 3.33.2 were inserted by S.S.I. 2006/509.

(7) S.S.I. 2002/132, amended by S.S.I. 2002/516, 2003/26, 2004/197, 2005/648, 2006/509 and 2007/6.

(8) Rules 36.1 and 36.2 were inserted by S.S.I. 2006/509.

(9) S.S.I. 2002/133, amended by S.S.I. 2003/26, 2004/197, 2005/648, 2006/509 and 2007/6.

(10) Rules 26.1 and 26.2 were inserted by S.S.I. 2006/509.

Edinburgh  
22nd June 2007

*A. C. Hamilton*  
Lord President, I.P.D.

**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 makes various amendments to the rules applicable in the sheriff court. Those amendments are consequential upon the commencement of the Equality Act (Sexual Orientation) Regulations 2007 made under the Equality Act 2006. In particular, amendments are made to each of the Ordinary Cause Rules, the Summary Application, Statutory Applications and Appeals etc. Rules, the Summary Cause Rules and the Small Claim Rules.

The amendments make provision for the intimation of certain proceedings under the Equality Act (Sexual Orientation) Regulations 2007 to the Commission responsible under that instrument.