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## EXPLANATORY NOTE

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

This Act of Sederunt makes miscellaneous amendments to the rules of procedure in the sheriff court as follows.

- (1) Paragraph 2 amends the Ordinary Cause Rules:
  - (a) to clarify the meaning of the term “enactment” where it is referred to in the Rules (sub-paragraph (2));
  - (b) to make provision to allow a party to be represented by a person authorised under an enactment to conduct proceedings in the sheriff court and for the recovery of expenses by that party (sub-paragraphs (3) and (11));
  - (c) to make provision for appropriate forms to be used where the defender may apply for a time order under the Consumer Credit Act 1974 (sub-paragraphs (4) to (9) and (12));
  - (d) to provide for intimation of specifications under rule 28.8(2) to the Advocate General for Scotland in appropriate cases and for the right of the Advocate General to appear at a hearing under that rule (sub-paragraph (10));
  - (e) to make provision for the giving of evidence and the making of submissions by a live link (sub-paragraph (13));
  - (f) to make a minor amendment to the rule 33.27A in respect of applications for postponement of decree under section 3A of the Divorce (Scotland) Act 1976 and to clarify that the simplified divorce procedure does not apply where either party makes such an application (sub-paragraphs (14) and (15));
  - (g) to make related consequential amendments to the forms set out in Appendix 1 to the Ordinary Cause Rules (sub-paragraph (16)).
  - (h) Paragraph 3 amends the Summary Application Rules:
    - (i) to clarify the meaning of the term “enactment” where it is referred to in the Rules (sub-paragraph (2));
    - (j) to make provision for appropriate forms to be used where the defender may apply for a time order under the Consumer Credit Act 1974 (sub-paragraphs (3), (4) and (6));
    - (k) to make provision for the giving of evidence and the making of submissions by a live link (sub-paragraph (5)); and
    - (l) to make provision to allow a party to be represented by a person authorised under an enactment to conduct proceedings in the sheriff court and for the recovery of expenses by that party (sub-paragraph (5));
- (2) Paragraph 4 amends the Summary Cause Rules:
  - (a) to clarify the meaning of the term “enactment” where it is referred to in the Rules (sub-paragraph (2));
  - (b) to make provision allowing a party to be represented by a person authorised under an enactment to conduct proceedings in the sheriff court and for the recovery of expenses by that party (sub-paragraphs (3) and (4));
  - (c) to clarify the procedure following recall of decree under rule 24.1 (sub-paragraph (5));

**Status:** This is the original version (as it was originally made).

- (d) to allow the sheriff to give directions for the preservation of the defender's goods and effects in all cases where decree is pronounced in an action for the recovery of possession of heritable property (sub-paragraph (6));
  - (e) to make provision for the giving of evidence and the making of submissions by a live link (sub-paragraph (7)).
- (3) Paragraph 5 amends the Small Claim Rules:
- (a) to clarify the meaning of the term "enactment" where it is referred to in the Rules (sub-paragraph (a));
  - (b) to make provision allowing a party to be represented by a person authorised under an enactment to conduct proceedings in the sheriff court and for the recovery of expenses by that party (sub-paragraphs (b) and (c)); and
  - (c) to clarify the procedure following recall of decree under rule 22.1 (sub-paragraph (d));
  - (d) to make provisions for the giving of evidence and the making of submissions by a live link (sub-paragraph (e)).