

2001 No. 93

COURT OF SESSION

**Act of Sederunt (Rules of the Court of Session Amendment
No. 1) (Procedure for Offers to Make Amends) 2001**

Made

8th March 2001

Coming into force

1st April 2001

The Lord of Council and Session, in exercise of the powers conferred upon them by section 5 of the Court of Session Act 1988(a) 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.1) (Procedure for Offers to Make Amends) 2001 and shall come into force on 1st April 2001.

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

Procedure for offers to make amends

2. For Chapter 54 of the Rules of the Court of Session(b) (procedure to be followed in offers to make amends) there is substituted—

“CHAPTER 54

APPLICATIONS UNDER THE DEFAMATION ACT 1996

Form of application to court where proceedings have been taken

54.1.—(1) An application to the court under section 3 of the Defamation Act 1996 (which relates to offers to make amends) where proceedings for defamation have been taken shall be by minute lodged in the process of those proceedings.

(2) A minute lodged under paragraph (1) shall set out—

- (a) the questions to be determined by the court; and
- (b) the contentions of the minuter,

and shall have appended to it a copy of the offer to make amends.

(a) 1988 c.36; section 5 was amended by section 2(3) of the Civil Evidence (Scotland) Act 1988 (c.32) and by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 45.

(b) S.I. 1994/1443; no amendments to the Rules are relevant for the purposes of this Act of Sederunt.

Form of application to court where proceedings have not been taken

54.2 An application to the court under the said section 3 where proceedings for defamation have not been taken shall be by petition presented in the Outer House.”.

Rodger of Earlsferry
Lord President
I.P.D.

Edinburgh
8th March 2001

EXPLANATORY NOTE

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

This Act of Sederunt replaces Chapter 54 of the Rules of the Court of Session to deal with the procedure relating to offers to make amends under section 3 of the Defamation Act 1996 (which replaced section 4 of the Defamation Act 1952).

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