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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 397**

**Act of Sederunt (Jurisdiction, Recognition and Enforcement of Judgments in Matrimonial Matters and Matters of Parental Responsibility Rules) 2006**

**Enforcement in another Member State of sheriff court judgments etc.**

**10.**—(1) Where a person seeks to apply under the Council Regulation for recognition or enforcement in another Member State of a judgment given by a sheriff court, he shall apply by letter to the sheriff clerk of that court for—

- (a) a certificate under Article 39 of the Council Regulation (certificates concerning judgments in matrimonial matters or matters of parental responsibility); and
- (b) a certified copy of the judgment (incorporating the sheriff's interlocutor and note).

(2) The sheriff clerk shall not issue a certificate under paragraph (1)(a) unless there is produced to him an execution of service of the judgment on the person against whom it is sought to be enforced.

(3) Where a judgment granting rights of access delivered by the sheriff court acquires a cross-border character after the judgment has been delivered and a party seeks to enforce the judgment in another Member State, he shall apply by letter to the sheriff clerk for—

- (a) a certificate under Article 41 of the Council Regulation (certificate concerning rights of access); and
- (b) a certified copy of the judgment (incorporating the sheriff's interlocutor and note).