

2007 No. 440

SHERIFF COURT

**Act of Sederunt (Sheriff Court Ordinary Cause, Summary
Application, Summary Cause and Small Claim Rules)
Amendment (Council Regulation (EC) No. 1348 of 2000
Extension to Denmark) 2007**

Made - - - - - *25th September 2007*

Coming into force - - - - - *9th October 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(a), and, these rules making provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appearing to the Lords of Council and Session that it is expedient for the reference to Council Regulation (EC) No. 1348/2000 of 29th May 2000 on service in the Member States of judicial and extrajudicial documents in civil and commercial matters to be construed as a reference to that instrument as amended from time to time, under and by virtue of the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(b), and under and by virtue 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 (Sheriff Court Ordinary Cause, Summary Application, Summary Cause and Small Claims Rules) Amendment (Council Regulation (EC) No. 1348 of 2000 Extension to Denmark) 2007 and shall come into force on 9th October 2007.

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

Amendment of the Sheriff Court Ordinary Cause Rules

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

(2) For rule 5.5(8) (service on persons furth of Scotland)(d) there shall be substituted the following:—

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- (a) 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.
- (b) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51).
- (c) 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 2007/6 and 339.
- (d) Rule 5.5(8) was inserted by S.S.I. 2004/197.

“(8) In this rule “the Council Regulation” means Council Regulation (EC) No. 1348/2000 of 29 May 2000 on service in the Member States of judicial and extrajudicial documents in civil or commercial matters as amended from time to time and as applied by the Agreement of 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters(a);”.

Amendment of the Summary Application Rules

3.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(b) shall be amended in accordance with the following sub-paragraph.

(2) For rule 2.12(8) (service on persons furth of Scotland)(c) there shall be substituted the following:—

“(8) In this rule “the Council Regulation” means Council Regulation (EC) No. 1348/2000 of 29 May 2000 on service in the Member States of judicial and extrajudicial documents in civil or commercial matters as amended from time to time and as applied by the Agreement of 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters;”.

Amendment of the Summary Cause Rules

4.—(1) The Summary Cause Rules in Schedule 1 to the Act of Sederunt (Summary Cause Rules) 2002(d) shall be amended in accordance with the following sub-paragraph.

(2) For rule 5.7(14) (service on persons outwith Scotland)(e) there shall be substituted the following:—

“(14) In this rule “the Council Regulation” means Council Regulation (EC) No. 1348/2000 of 29 May 2000 on service in the Member States of judicial and extrajudicial documents in civil or commercial matters as amended from time to time and as applied by the Agreement of 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters;”.

Amendment of the Small Claim Rules

5.—(1) The Small Claim Rules in Schedule 1 to the Act of Sederunt (Small Claim Rules) 2002(f) shall be amended in accordance with the following sub-paragraph.

(2) For rule 6.5(15) (service on persons outwith Scotland)(g) there shall be substituted the following:—

(a) O.J. No. L 160, 30.6.2000 p.37-52 and O.J. No. L 300, 17.11.2005 p.55-60.
(b) 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 and 2007/6, 233 and 339.
(c) Rule 2.12(8) was inserted by S.S.I. 2004/197.
(d) S.S.I. 2002/132, amended by S.S.I. 2002/516, 2003/26, 2004/197, 2005/648, 2006/509 and 2007/6 and 339.
(e) Rule 5.7(14) was inserted by S.S.I. 2004/197.
(f) S.S.I. 2002/133, amended by S.S.I. 2003/26, 2004/197, 2005/648, 2006/509 and 2007/6 and 339.
(g) Rule 6.5(15) was inserted by S.S.I. 2004/197.

“(15) In this rule “the Council Regulation” means Council Regulation (EC) No. 1348/2000 of 29 May 2000 on service in the Member States of judicial and extrajudicial documents in civil or commercial matters as amended from time to time and as applied by the Agreement of 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters;”.

A C HAMILTON
Lord President
I.P.D.

Edinburgh
25th September 2007

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 relating to the service of documents on persons outwith Scotland. Those amendments are consequential upon the extension of Council Regulation (EC) No. 1348/2000 of 29th May 2000 on service in the Member States of judicial and extrajudicial documents in civil or commercial matters to the Kingdom of Denmark by an Agreement between the European Community and the Kingdom of Denmark dated 19th October 2005 and coming into force on 1st July 2007.

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.

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