

---

## EXPLANATORY NOTE

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

This Act of Sederunt makes miscellaneous amendments to the Rules of the Court of Session 1994 (“the Rules”).

Paragraph 2(2) deletes rule 12.5(3) which relates to the period during which the list of nautical assessors approved by the Lord President is in force.

Paragraph 2(3) and (4) amends the rules in relation to the number of copies of the open and closed records to be provided by the pursuer to the other parties.

Paragraph 2(5) substitutes a new rule 35.2(6) to allow the Advocate General for Scotland to appear at the hearing of any motion under rule 35.2(1) (applications for commission and diligence for the recovery of documents or for orders under section 1 of the Administration of Justice (Scotland) Act 1972).

Paragraph 2(6) substitutes a new rule 41.41(a) which is consequential upon the provisions of the Social Security Act 1998 and provides for appeals under section 15(1) of that Act.

Paragraph 2(7) inserts a new Chapter II into the Table of Fees contained in rule 42.16(3) to make provision for witnesses' fees and paragraph 3 revokes the equivalent provision contained in [S.S.I. 2002/301](#).

Paragraph 2(8) makes amendments to rule 46.9 which are consequential on the amendments made to the Merchant Shipping Act 1995 by the Merchant Shipping (Oil Pollution) (Supplementary Fund Protocol) Order 2006. In particular, the amendments take into account the introduction of the Supplementary Fund for pollution damage claims.

Paragraph 2(9) makes a minor amendment to rule 49.27C in relation to applications for postponement of decree of divorce.

Paragraph 2(10) substitutes a new rule 49.72(1)(g) which excludes the application of the simplified divorce procedure where an application is made under section 3A of the Divorce (Scotland) Act 1976.

Paragraph 2(11) to (15) amends Chapter 67 of the Rules in relation to applications under the Adoption (Scotland) Act 1978 to make provision consequential upon the amendments made to that Act by the Adoption and Children Act 2002.

Paragraph 2(16) to (18) amends Chapter 89 of the Rules in relation to the Prevention of Terrorism Act 2005. The amendments make provision in respect of communications about the proceedings by special representatives and clarify that rule 89.7(4) does not apply in relation to a preliminary hearing or an initial diet where the court has ordered the Deputy Principal Clerk not to notify the controlled person of the date and time of the diet and hearing. A minor correction is also made to rule 89.8(5).

Paragraph 2(19) inserts a new Chapter 93 into the Rules to make provision for the giving of evidence and the making of submissions by a live link.

Paragraph 2(20) makes miscellaneous amendments to the forms set out in the Appendix to the Rules.