

2008 No. 372

EUROPEAN COMMUNITIES

**The European Communities (Service of Judicial and
Extrajudicial Documents) (Scotland) Amendment
Regulations 2008**

Made - - - - *13th November 2008*

Laid before the Scottish Parliament *13th November 2008*

Coming into force - - *5th December 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the European Communities (Service of Judicial and Extrajudicial Documents) (Scotland) Amendment Regulations 2008 and shall come into force on 5th December 2008.

Amendments to the European Communities (Service of Judicial and Extrajudicial Documents) (Scotland) Regulations 2001

2.—(1) The European Communities (Service of Judicial and Extrajudicial Documents) (Scotland) Regulations 2001(b) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2, for the definition of “the Council Regulation”, substitute—

““Regulation 1393/2007” means Regulation (EC) No. 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters(c);”.

(3) In regulations 3 and 4, for “the Council Regulation” substitute “Regulation 1393/2007”.

(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) and section 27 of the Legislative and Regulatory Reform Act 2006 (c.51). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2001/172.

(c) O.J. No. L 324, 10.12.2007, p.79.

(4) Omit regulation 3(a).

St Andrew's House,
Edinburgh
13th November 2008

KENNY MACASKILL
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the European Communities (Service of Judicial and Extrajudicial Documents) (Scotland) Regulations 2001 (“the principal Regulations”).

Council Regulation (EC) No. 1348/2000 of 29th May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters O.J. No. L 160, 30.06.00, p.37 was repealed and replaced by Regulation (EC) No. 1393/2007 of the European Parliament and of the Council (“the EC Service Regulation”).

These Regulations (regulation 2(4)) remove approved solicitors as a transmitting and receiving agency designated under Article 2 of the EC Service Regulation. The Regulations also update references to the EC Service Regulation in the principal Regulations.

© Crown Copyright 2008

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.

£4.00