
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 375

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Adult Support and Protection (Scotland) Act 2007) (No. 3) 2008

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Adult Support and Protection (Scotland) Act 2007) (No. 3) 2008 and shall come into force on 20th November 2008.

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

Amendment of the Summary Application Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(1) is amended in accordance with the following subparagraphs.

(2) Paragraph (3) of rule 3.35.4 (attachment of power of arrest)(2) is omitted.

(3) For rule 3.35.5 (notification to adult at risk)(3) substitute—

“Notification to adult at risk etc.

3.35.5. Where section 26(1)(b) of the Act (notification to the adult at risk etc. on the variation or recall of a banning order or temporary banning order) applies, the person prescribed for the purposes of section 26(2) is the sheriff clerk.”

(4) In rule 3.35.6 (certificate of delivery of documents)(4) for “section 25(2) or 26(2)” substitute “section 26(2), 27(1) or 27(2)”.

(5) For Form 34 in Schedule 1(5), substitute Form 34 set out in the Schedule to this Act of Sederunt.

Edinburgh
13th November 2008

A C HAMILTON
Lord President I.P.D.

(1) S.I.1999/929, amended by S.S.I. 2000/148 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, 2003/26, 27, 98, 261, 319, 346 and 556, 2004/197, 222, 334 and 455, 2005/61, 473, 504 and 648, 2006/198 and 410, 437 and 509, 2007/6, 233, 339, 440 and 463 and 2008/9, 41, 111, 223, 335 and 365.

(2) Rule 3.35.4 was inserted by S.S.I. 2008/335.

(3) Rule 3.35.5 was inserted by S.S.I. 2008/335.

(4) Rule 3.35.6 was inserted by S.S.I. 2008/335.

(5) Form 34 was inserted by S.S.I. 2008/335.