
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 242

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 3) (Miscellaneous) 2016

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 3) (Miscellaneous) 2016.

(2) It comes into force on 3rd October 2016.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Form of Charge for Payment

2.—(1) The Act of Sederunt (Form of charge for payment) 1988(1) is amended in accordance with this paragraph.

(2) In the schedule, in the Form of Charge for Payment of Money(2), for “You are also liable to be sequestrated (declared bankrupt).”, substitute “If you have total debts amounting to £3,000 or more, you are also liable to be sequestrated (declared bankrupt).”.

Amendment of the Ordinary Cause Rules 1993

3.—(1) The Ordinary Cause Rules 1993(3) are amended in accordance with this paragraph.

(2) In rule 33.7(1)(h) (warrants and forms for intimation to a child), after “notice of intimation in Form F9 shall be intimated to that child”, insert “but a copy of the initial writ must not be sent to the child”.

(3) In rule 33A.7(1)(f)(4) (warrants and forms for intimation to a child), after “notice of intimation in Form CP7 shall be intimated to that child”, insert “but a copy of the initial writ must not be sent to the child”.

Amendment of Child Support Rules

4.—(1) The Act of Sederunt (Child Support Rules) 1993(5) is amended in accordance with this paragraph.

(2) In rule 2(1) (application for a liability order)(6), after “Form 2–A”, insert “which may be signed by an official authorised for that purpose by the Secretary of State”.

(1) [S.I. 1988/2059](#), last amended by [S.S.I. 2002/560](#).

(2) The Form of Charge for Payment of Money was last amended by [S.S.I. 2002/560](#).

(3) The Ordinary Cause Rules 1993 are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c.51). Schedule 1 was substituted by [S.I. 1993/1956](#) and was last amended by [S.S.I. 2016/229](#).

(4) Rule 33A.7(1)(f) was inserted by [S.S.I. 2005/638](#).

(5) [S.I. 1993/920](#), last amended by [S.S.I. 2015/351](#).

(6) Rule 2 was last amended by [S.S.I. 2015/351](#).

(3) In the schedule(7), in Form 2-A (form of summary application for a liability order under section 33 of the Child Support Act 1991), in the signing docquet, for “(insert business address of solicitor)” substitute—

“[or [C.D.], Authorised Official]

(insert business address of solicitor or authorised official)”.

Amendment of the Rules of the Court of Session 1994

5.—(1) The Rules of the Court of Session 1994(8) are amended in accordance with this paragraph.

(2) In rule 62.78 (enforcement in another Member State of Court of Session judgments etc.)(9)—

(a) in the cross-heading, before “*Enforcement*”, insert “*Recognition and*”; and

(b) in paragraph (2), for “The”, substitute “If the application is for a certificate concerning a judgment on parental responsibility, the”.

(3) In the Appendix, in Form 16.15-G (Form of charge for payment of money)—

(a) for “pounding and sale”, substitute “attachment and auction”; and

(b) for “You are also liable to be sequestrated (declared bankrupt).”, substitute “If you have total debts amounting to £3,000 or more, you are also liable to be sequestrated (declared bankrupt).”.

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

6.—(1) The Act of Sederunt (Jurisdiction, Recognition and Enforcement of Judgments in Matrimonial Matters and Matters of Parental Responsibility Rules) 2006(10) is amended in accordance with this paragraph.

(2) In rule 10 (enforcement in another Member State of sheriff court judgments etc.)—

(a) in the cross-heading, before “**Enforcement**”, insert “**Recognition and**”; and

(b) in paragraph (2), for “The”, substitute “If the application is for a certificate concerning a judgment on parental responsibility, the”.

Edinburgh
30th August 2016

CJM SUTHERLAND
Lord President
I.P.D.

(7) The schedule was substituted by [S.S.I. 2015/351](#).

(8) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 ([S.I. 1994/1443](#), last amended by [S.S.I. 2016/229](#)).

(9) Rule 62.78 was inserted by [S.S.I. 2005/135](#).

(10) [S.S.I. 2006/397](#).