

2016 No. 415

SHERIFF COURT

Act of Sederunt (Sheriff Court Rules Amendment) (Electronic Authentication) 2016

Made - - - - - *13th December 2016*

Laid before the Scottish Parliament *14th December 2016*

Coming into force - - - *15th December 2016*

The Court of Session makes this Act of Sederunt under the powers conferred by section 104(1) of the Courts Reform (Scotland) Act 2014(a) and all other powers enabling it to do so.

In accordance with section 104(5) of that Act, the Court of Session has consulted the Scottish Civil Justice Council and has taken into account the views expressed by the Council.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Rules Amendment) (Electronic Authentication) 2016.

(2) It comes into force on 15th December 2016.

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

Amendment of the Ordinary Cause Rules 1993

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

(2) After rule 1.2(7) (interpretation) insert—

“(8) In these Rules, a reference to any document being authenticated, certified, signed, signed and dated, or endorsed by the sheriff, sheriff clerk, the court or the clerk of court includes a reference to that document being authenticated electronically by that person or court, as the case may be.”.

Amendment of the Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016

3.—(1) The Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016(c) is amended in accordance with this paragraph.

(a) 2014 asp 18.

(b) 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. 2016/367.

(c) S.S.I. 2016/313, last amended by S.S.I. 2016/367.

(2) After rule 6.2 (debt payment programmes and moratorium on diligence) insert—

“Warrant for citation

6.2A. A warrant for citation under section 22(3) of the 2016 Act may be authenticated electronically.”.

(3) After rule 7.1 (form of applications) insert—

“Warrant to enter premises and warrant to apprehend

7.1A. A warrant under section 39(4) of the 2016 Act or a warrant under section 120(1) of the 2016 Act may be authenticated electronically.”.

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
13th December 2016

EXPLANATORY NOTE

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

This Act of Sederunt amends the Ordinary Cause Rules 1993 and the Sheriff Court Bankruptcy Rules to extend the means of authentication of documents so as to introduce electronic authentication. This facilitates the operation of Scottish Courts and Tribunal Service's Integrated Case Management System.

Paragraph 2 provides that where certain court generated documents require to be authenticated, those documents may be authenticated electronically.

Paragraph 3 provides that certain warrants granted under the Bankruptcy (Scotland) Act 2016 may be authenticated electronically.

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