
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 131

**Act of Sederunt (Rules of the Court of Session
1994 Amendment) (Vexatious Actions) 2017**

Amendment of the Rules of the Court of Session 1994

- 2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.
(2) After rule 4.2 (signature of documents) insert—

“Applications for leave under section 1 of the Vexatious Actions (Scotland) Act 1898

4.2ZA.—(1) This rule applies where a person (“the applicant”) who is the subject of an order under section 1 (power of Court of Session to prohibit institution of action without leave) of the Vexatious Actions (Scotland) Act 1898⁽²⁾ seeks leave under that section to institute legal proceedings.

(2) The applicant must apply for leave by letter addressed to the Deputy Principal Clerk.

(3) The letter must—

- (a) state the full name and address of the applicant;
- (b) be accompanied by a copy of the document by which it is proposed to institute legal proceedings;
- (c) set out briefly why the applicant considers that leave should be granted;
- (d) set out details of any previous application for leave which relates to any extent to the same matter (including, in particular, the outcome of such applications).

(4) The Deputy Principal Clerk must—

- (a) in a case where the applicant has previously submitted an application for leave in relation to the same matter and that application has been refused, reject the application and notify the applicant accordingly;
- (b) otherwise, place the application before a Lord Ordinary.

(5) The Lord Ordinary may, without a hearing, make an order granting or refusing the leave sought.

(6) The interlocutor of the Lord Ordinary is to be sent to the applicant by letter at the address given in the application.

(7) An interlocutor of a Lord Ordinary granting leave to institute legal proceedings constitutes permission to proceed without a signature under rule 4.2(5) (signature of documents).”.

(1) 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. 2017/130).

(2) 1898 c. 35. The Vexatious Actions (Scotland) Act 1898 (“1898 Act”) was repealed by paragraph 27 of schedule 5 of the Courts Reform (Scotland) Act 2014 (“2014 Act”). Paragraph 27 of schedule 5 of the 2014 Act was given effect on 28th November 2014 by article 2 of the Courts Reform (Scotland) Act 2014 (Commencement No. 7, Transitional and Savings Provisions) Order 2016 (S.S.I. 2016/291). Article 4 of the Order made savings as regards the 1898 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
