

## 1967 No. 487 (S. 33)

## COURT OF SESSION, SCOTLAND

**Act of Sederunt (Appointment of Judicial Factors  
and Rules of Court Amendment No. 2) 1967**

*Made* . . . . . 17th March 1967

*Coming into Operation* . . . . . 17th March 1967

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40 of the Judicial Factors Act 1849(a), section 21 of the Judicial Factors (Scotland) Act 1889(b), section 16 of the Administration of Justice (Scotland) Act 1933(c), and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1. Section 2 of the Judicial Factors Act 1849 shall be amended by deleting the words “and no factor shall enter upon the duties of his office, nor shall an extract of his appointment be issued, until after such caution is found and received as sufficient; and the factor shall extract his appointment without delay”; and by substituting therefor the words:— “and no factor shall enter upon the duties of his office, nor shall a certified copy interlocutor of his appointment be issued, until after such caution is found and received as sufficient; and the factor shall obtain a certified copy interlocutor of his appointment without delay”.

2. Section 3 of the Judicial Factors Act 1849 shall be amended by deleting the words “extracting his appointment” where they occur and by substituting therefor in each place the words “obtaining an official certified copy interlocutor of his appointment”.

3. Section 13 of the Judicial Factors (Scotland) Act 1889 shall be amended by deleting the word “extract” where it occurs, and in each place by substituting therefor the words “certified copy interlocutor”.

4. Section 66 of the Finance Act 1916(d) as amended by section 15(3) of the National Debt Act 1958(e) shall be amended by deleting the word “extract” where it occurs, and in each place by substituting therefor the words “certified copy interlocutor”.

5. Rule 133 of the Rules of Court(f) shall be amended by deleting the words “extract of the appointment; and the factor may obtain extract of the decree for payment of the sum or sums to which his appointment relates in his own name as factor either *in gremio* the extract of his appointment or in a separate and subsequent extract” and by substituting therefor the words “the issue of a certified copy interlocutor of the appointment”.

6. There shall be added at the end of Section 3 of Chapter III of the Rules of Court a new Rule as follows:—

“170A—The Principal Clerk of Session or the Deputy Principal Clerk of Session may append to an official certified copy of an interlocutor which grants decree for interim aliment a warrant for execution in the

(a) 1849 c. 51.

(b) 1889 c. 39.

(c) 1933 c. 41.

(d) 1916 c. 24.

(e) 7 &amp; 8 Eliz. 2. c. 6.

(f) S.I. 1965/321 (1965 I, p. 803).

following terms, viz.:—‘and the Lords of Council and Session grant warrant for all lawful execution upon the aforementioned decree for interim aliment’; and the provisions of Rule 65 shall apply *mutatis mutandis* to that warrant as they apply to the warrant in the extract of a decree”.

7. Rule 200 of the Rules of Court shall be amended by deleting the words “extract of the appointment” occurring at the end of paragraph(e) (i) therefor and by substituting therefor the words “the issue of a certified copy interlocutor of the appointment”.

8. Rule 201 of the Rules of Court shall be amended by deleting the words “of extracting his appointment” occurring in paragraph(d) and the words “in which his appointment shall have been extracted” occurring in paragraph (f), and by substituting therefor in each place the words “of the issue to him of the first certified copy interlocutor of his appointment”.

9. This Act of Sederunt may be cited as the Act of Sederunt (Appointment of Judicial Factors and Rules of Court Amendment No. 2) 1967 and shall come into operation on 17th March 1967.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

Edinburgh,  
17th March 1967.

J. L. Clyde,  
I.P.D.

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#### EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt.)*

This Act of Sederunt gives to an official certified copy interlocutor of the appointment of a judicial factor the same force and effect as an extract thereof has according to present law and practice. It is also makes provision for execution to proceed upon an official certified copy interlocutor of a decree for interim aliment.