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1972 No. 1982 (S. 156)

**COURT OF SESSION, SCOTLAND****Act of Sederunt (Rules of Court Amendment No. 6) 1972**

*Made - - - - 15th December 1972*  
*Coming into Operation 1st January 1973*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by Section 16 of the Administration of Justice (Scotland) Act 1933(a), and of all other powers competent to them in that behalf, do hereby enact and declare as follows :—

1. The Rules of Court(b) are hereby amended as follows :—

(1) After Chapter V A there shall be added a new Chapter in the following terms :

**“ CHAPTER V B ”**

**“ EUROPEAN COMMUNITY JUDGMENTS ”**

“ 296F. Interpretation :

In this Chapter :

(i) “ Community judgment ” means any decision, judgment or order which is enforceable under or in accordance with Articles 187 or 192 of the E.E.C. Treaty, Articles 18, 159 or 164 of the Euratom Treaty, or Articles 44 or 92 of the E.C.S.C. Treaty.

(ii) “ Euratom inspection order ” means an order made by or in the exercise of the functions of the President of the European Court or by the Commission of the European Communities under Article 81 of the Euratom Treaty.

(iii) “ Order for enforcement ” means an order by or under the authority of the Secretary of State that the Community judgment to which it is appended is to be registered for enforcement in the United Kingdom.

296G. Register :

A register shall be kept by the Deputy Principal Clerk of Session for the purpose of registering any Community judgment to which the Secretary of State has appended an order for enforcement or any Euratom inspection order or any of the European Court that enforcement of a registered Community judgment shall be suspended.

296H. Registration :

(i) An application for registration of a Community judgment or Euratom inspection order shall be made by Petition to the Outer House at the instance of the person or persons entitled to enforce it, and the Court shall direct that any Euratom inspection order or any Community judgment to which the Secretary of State has appended an order for enforcement shall be registered in the Register referred to in the immediately preceding Rule of Court.

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(a) 1933 c. 41.

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

(ii) An application for registration of any such order or Community judgment shall be accompanied by the Community judgment and the order for its enforcement or the Euratom inspection order, or a copy thereof, and, where the Community judgment or Euratom inspection order is not in the English language, a translation thereof in that language certified by a notary public.

(iii) Where the application is for registration of a Community judgment under which a sum of money is payable, the Petition shall also set forth :—

(a) the name, trade or business and the usual or last known place of abode or business of the judgment debtor, so far as known to the Petitioner ;

(b) to the best of the information and belief of the petitioner, as the case may require, either that, at the date of the application the judgment has not been satisfied, or the amount in respect of which it remains unsatisfied ; and

(c) where the sum payable under the judgment is not expressed in the currency of the United Kingdom, the amount which that sum represents in the currency of the United Kingdom calculated at the rate of exchange prevailing at the date when the judgment was originally given.

(iv) Upon registration of any such order or Community judgment the fact of registration shall forthwith be intimated by the person or persons who have made registration to the person or persons against whom the judgment or order was given or made ; and together with such intimation there shall be sent a copy of the registered community judgment and the order for its enforcement or the Euratom inspection order, and there shall be intimated the name and address of the person on whose application the judgment or order was registered or of his Solicitor or agent on whom, and at which, service may be effected.

(v) Where such intimation relates to a Community judgment under which a sum of money is payable, it shall also state that the debtor may apply within 28 days of the date of the intimation or thereafter with the leave of the Court, for the variation or cancellation of the registration on the ground that the judgment was partly or wholly satisfied at the date of registration.

(vi) There shall be no execution without the leave of the Court on a Community judgment under which a sum of money is payable until 28 days after the date of the intimation under this rule, or any application made within that period for the variation or cancellation of the registration is determined.

(vii) Where it appears that a Community judgment under which a sum of money is payable has been partly satisfied at the date of the application for its registration, the judgment shall be registered only in respect of the balance remaining payable at that date.

(viii) Upon registration of a Euratom inspection order, the Court may make such order as it thinks fit against any person for the purpose of ensuring that effect is given to the Euratom inspection order.

**296J. Variation or Cancellation of Registration :**

An application seeking the variation or cancellation of any registration shall be made by Minute in the process in which said registration was ordered, and the Minuter shall enrol for an Order for intimation and service of the Minute upon the Petitioner and any other person or persons having an interest ; and the Court, if satisfied, shall direct that the Register shall be varied as sought by the Minuter.

**296K. Suspension of enforcement of Community judgments :**

An order of the European Court that enforcement of a registered Community judgment be suspended shall, on production of the order to the Court of Session and on application made by Minute in the process be registered forthwith and shall be of the same effect as if the order had been an order made by the Court of Session on the date of its registration suspending the execution of the judgment for the same period and on the same conditions as are stated in the order of the European Court ; and no steps to enforce the judgment shall be taken while such an order remains in force.

**2.—(1)** This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 6) 1972, and shall come into operation on 1st January 1973.

**(2)** The Interpretation Act 1889(a) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

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

*G. C. Emslie*  
I.P.D.

Edinburgh,  
15th December 1972.

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**EXPLANATORY NOTE**

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

This Act of Sederunt prescribes the procedure for registering certain Community judgments, Euratom inspection orders and certain other Orders of the European Court and the procedure for the variation or cancellation of such registration.

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