

1973 No. 145 (S.5)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 1) 1973

Made - - - 30th January 1973

Coming into Operation 13th March 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) the Companies (Floating Charges and Receivers) (Scotland) Act 1972(b) and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1. The Rules of the Court of Session (c) are hereby amended as follows: After Rule 218 there shall be added the following new section:

Section 3A—Receivers

(Companies (Floating Charges and Receivers) (Scotland) Act 1972)
 “218 (a) *Petitions for appointment of receiver*

An application for the appointment of a receiver under section 11(2) of the Companies (Floating Charges and Receivers) (Scotland) Act 1972 (hereinafter referred to as “the Act”) shall be by petition to the Outer House and shall be dealt with by a liquidation judge to be appointed by the Lord President. The petition shall be served on the company, and the provisions of Rules 202, 205, 206, 207 and 216 shall apply *mutatis mutandis* to any such petition excepting only that intimations of the appointment of a receiver shall be given to the Registrar of Companies in Scotland within seven days of the date of the order or such longer period as the Court may allow, accompanied by a notice in the form prescribed by the Act.

(b) *Applications under sections 21(1), 23(1) and 27(1) of the Act.*

Applications under sections 21(1), 23(1) and 27(1) of the Act shall be made by motion or note in the process, and the provisions of Rule of Court 215 shall apply *mutatis mutandis* to all such applications.”

2. This Act may be cited as the Act of Sederunt (Rules of Court Amendment No. 1) 1973 and shall come into operation on 13th March 1973.

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

G. C. Emslie,
 I. P. D.

Edinburgh.
 30th January 1973.

(a) 1933 c. 41.
 (c) S.I. 1965/321 (1965 I, p. 803).

(b) 1972 c. 67.

EXPLANATORY NOTE

(This Note is not part of the Sederunt.)

This Act of Sederunt amends the Rules of Court by providing rules for the procedure to be adopted under the Companies (Floating Charges and Receivers) (Scotland) Act 1972.

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