

1974 No. 945 (S.81)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 2) 1974

Made - - - - 30th May 1974
 Coming into Operation 8th July 1974

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) In Rule 189(a) there shall be added after the words “(xxii) Any other petitions which, according to former practice, were presented in the Bill Chamber,” the words “and (xxiii) All petitions under the Guardianship of Children (Scotland) Acts 1886 to 1973”.

(2) At the end of Rule 260 there shall be added—

Section 13—PETITIONS UNDER THE GUARDIANSHIP ACT 1973

260A. Procedure, service and intimation—

(a) All applications under section 10(3) of the Guardianship Act 1973(c), shall be made by petition presented to the Outer House.

(b) The provisions of Rules 191 to 198 shall apply, *mutatis mutandis*, to such petitions.

(c) Any application under section 10(5) or 12(1) of the Act to vary or discharge any order made respectively under section 10(3) or section 11 thereof shall be made by way of minute in the process setting forth any relevant averments in support of said application. On such a minute being lodged answers thereto may be lodged, within such period as the Court may allow, by any other person showing an interest.

(d) Where the Court, in pursuance of section 11 of the Act proposes to make an order committing the care of a child to a specified local authority, the Court shall appoint intimation of the proposal to be made to the local authority, and any representations made by them under section 11(4) of the Act shall be made by minute. On such a minute being lodged the parties to the proceedings may lodge answers thereto within such period as the Court may allow.

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 2) 1974 and shall come into operation on 8th July 1974.

(a) 1933 c. 41.
 (c) 1973 c. 29.

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

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

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

Edinburgh,
30th May, 1974.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of Court by prescribing that any application to the Court under section 10(3) of the Guardianship Act 1973 shall be by way of petition to the Outer House, and that any applications to vary or discharge orders made under section 10(3) or section 11 of the Act, and representations by local authorities under section 11(4) of the Act shall all be made by way of minute lodged in the process.

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