
 STATUTORY INSTRUMENTS

1976 No. 2020 (S.167)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of Court Amendment No. 12)
 (Intimation under Damages (Scotland) Act 1976) 1976**

Made - - - - - 26th November 1976

Coming into Operation 22nd December 1976

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:

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No.12) (Intimation under Damages (Scotland) Act 1976) 1976 and shall come into operation on 22nd December 1976.

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

Intimation to connected persons

2. In the Rules of Court(c),—

(a) after rule 75A, there is inserted the following rule:—

“75B *Intimation to connected persons* (1) In an action to which section 5 of the Damages (Scotland) Act 1976(d) applies, notice of the action shall be served under section 5(6) of that Act on a connected person (within the meaning of section 5(1)(b)(ii) of that Act) by intimation of the action to that person in accordance with the provisions of this rule.

(2) Where intimation is proposed to be made under this rule, the official printed form of summons shall be filled up so as to contain a warrant for intimation in the following terms as nearly as may be:—

“Warrant to intimate to (name and address) as a person who is believed to have a title to sue the defender in an action based on (the injuries from which the late (name and former address) died) or (the death of the late (name and former address)).”.

(3) Rule 76 shall apply to the execution of a warrant under this rule as it applies to the execution of a warrant under that rule with the substitution for the reference to Form 5 of a reference to Form 5A.”;

(a) 1933 c. 41.
 (d) 1976 c. 13.

(b) 1889 c. 63.

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

(b) In the Appendix, after Form 5 there shall be inserted the following Form:—

“

Form 5A

Form of Intimation to Connected Person in an Action for Damages

Take notice that an action, a copy of the summons in which is pre-fixed hereto, has been raised against the defender being a person you are believed to have a title to sue in an action based on the injuries from which the late (name and former address) died or on his death; and that you are entitled to be sisted as an additional pursuer in this action and accordingly you may if you so desire apply to the Court to be so sisted within fourteen days after the expiry of days from the date of service hereof (*or if the warrant is executed contemporaneously with citation of the defender* within fourteen days after the calling of the summons in Court which will not be earlier than days from the date of service hereof), and in the event of your making such an application you are required to serve notice thereof on all the parties to this action. If you do not apply to be sisted as an additional pursuer in this action, you are barred from suing the defender in another action (whether in this or any other court) based on the injuries or the death of the late (name), unless in such other action you satisfy the court that for some reasonable cause you were unable to apply to be so sisted in this action.

The date of service hereof is reckoned as commencing on the expiry of twenty-four hours after the date of posting hereof.

Dated this day of

(Signed) (Solicitor for Pursuer)

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

Edinburgh.
26th November 1976

G. C. Emslie
I.P.D.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session to make provision for intimating to connected persons under section 5 of the Damages (Scotland) Act 1976.

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