

1976 No. 2181 (S. 174)**SHERIFF COURT, SCOTLAND****Act of Sederunt (Damages (Scotland) Act 1976) 1976***Made - - - 17th December 1976**Coming into Operation 11th January 1977*

The Lords of Council and Session under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971(a) and of all other powers competent to them in that behalf do hereby enact and declare as follows:—

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Damages (Scotland) Act 1976) 1976 and shall come into operation on 11th January 1977.

(2) In this Act of Sederunt “the Act” means the Damages (Scotland) Act 1976(b).

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Act of Sederunt as it applies for the interpretation of an Act of Parliament.

2. In any action to which section 5 of the Act applies:

(a) the pursuer shall lodge with the initial writ or summons a note containing the name and address of every connected person (within the meaning of section 5(1)(b) of the Act) of whose existence and connection with the action he is aware, and stating that he is unaware of the existence of any other connected person, or is unable to establish the identity or whereabouts of such person.

(b) where the existence and identity of any connected person is disclosed in accordance with paragraph (a), the warrant of citation shall contain a warrant in the following terms:

“Grants warrant to serve notice of this action on (name and address) as a connected person”.

(c) notice of the action shall be served under section 5(6) of the Act on every such connected person by a form of intimation to that person in the following terms as nearly as may be:

“Form of Intimation to connected person in an action for damages

Take notice that an action has been raised in Sheriff Court by AB against CD in terms of the attached copy initial writ/summons. It is believed that you may have a title to sue the said CD 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)); and that you may be entitled to be made an additional pursuer in this action and accordingly you may if you so desire

(a) 1971 c. 58.

(b) 1976 c. 13.

(c) 1889 c. 63.

apply to the Court to be sisted as an additional pursuer within fourteen days from this date 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.

Dated this day of

(Signed)

(Pursuer/Solicitor for pursuer)".

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

Edinburgh.

17th December 1976.

G. C. Emslie,

I.P.D

EXPLANATORY NOTE

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

This Act of Sederunt makes provision for intimating an action of damages in the Sheriff Court to connected persons under section 5 of the Damages (Scotland) Act 1976.

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