

1977 No. 974 (S.70)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of Court Amendment No. 3)
(Applications under Companies and Insolvency Acts 1976) 1977**

Made - - - - - 31st May 1977

Coming into Operation 21st June 1977

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. 3) (Applications under Companies and Insolvency Acts 1976) 1977 and shall come into operation on 21st June 1977.

(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.

Applications under Companies Act 1976 and the Insolvency Act 1976

2. In the Rules of Court(c), in Chapter IV, after Section 3A, there is inserted the following Section—

“Section 3B Companies
(Companies Act 1976(d))
(Insolvency Act 1976(e))

218B.—(1) This rule applies to the following applications—

(a) under the Companies Act 1976, that is to say—

- (i) an application by any member or creditor of the company or by the registrar of companies under Section 5(1);
- (ii) an application by the company or by any other person who claims to be aggrieved under Sections 15(5), 16(4) or 17(4);
- (iii) an application by the Secretary of State under Section 28(1).

(b) under the Insolvency Act, that is to say, an application by the Secretary of State under section 9, not being an application in respect of a director of a company being wound-up by the Court.

(2) An application to which this rule applies shall be by way of Petition to the Outer House, and shall be intimated, served and advertised as the Court may direct.”

(a) 1933 c. 41.
(d) 1976 c. 69.

(b) 1889 c. 63.
(e) 1976 c. 60.

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

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

Edinburgh.
31st May 1977.

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 in respect of certain applications under the Companies and Insolvency Acts 1976.

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