
STATUTORY INSTRUMENTS

1983 No. 656 (S. 57)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 3)
(Letters of Request) 1983

Made - - - - - 27th April 1983

Coming into Operation 23rd May 1983

The Lords of Council and Session, in exercise of the powers conferred on them by section 16 of the Administration of Justice (Scotland) Act 1933(a), and of all other powers enabling them in that behalf, enact and declare:—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 3) (Letters of Request) 1983 and shall come into operation on 23rd May 1983.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

New form of letter of request to foreign courts

2. In the Rules of Court(b), in the Appendix (Forms), in Form 11, for the form of letter of request substitute the form set out in the Schedule to this Act of Sederunt.

Emslie,
Lord President.
I.P.D.

Edinburgh.
27th April 1983

(a) 1933 c.41.

(b) S.I. 1965/321, as amended by S.I. 1976/283.

SCHEDULE

FORM OF LETTER OF REQUEST

(Items to be included in all Letters of Request.)

1. Sender(identity and address).....
.....
.....
2. Central authority of the requested State(identity and address).....
.....
.....
3. Person to whom the executed request is
to be returned(identity and address).....
.....
.....
4. The undersigned applicant has the honour to submit the following request:
5. a. Requesting judicial authority(identity and address).....
.....
.....
b. To the competent authority(the requested State).....
.....
.....
6. Names and addresses of the parties and
their representatives
 - a. Pursuer
.....
.....
 - b. Defender
.....
.....
 - c. Other parties
.....
.....
7. Nature and purpose of the proceedings
and summary of the facts
.....
.....
8. Evidence to be obtained or other judicial
act to be performed
.....
.....

(Items to be completed where applicable)

9. Identity and address of any person to
be examined
.....
.....
10. Questions to be put to the persons to
be examined or statement of the
subject-matter about which they are to
be examined(or see attached list).....
.....
.....

- 11. Documents or other property to be inspected (specify whether it is to be produced, copied, valued, etc.).....
- 12. Any requirement that the evidence be given on oath or affirmation and any special form to be used (in the event that the evidence cannot be taken in the manner requested, specify whether it is to be taken in such manner as provided by local law for the formal taking of evidence).....
- 13. Special methods or procedure to be followed
- 14. Request for notification of the time and place for the execution of the request and identity and address of any person to be notified
- 15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the letter of request
- 16. Specification of privilege or duty to refuse to give evidence under the law of the State of origin
- 17. The fees and costs incurred will be borne by (identity and address).....

(Items to be included in all Letters of Request.)

- 18. Date of request
- 19. Signature and seal of the requesting authority

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session by substituting for the existing form of letter of request a new form based on the model form of letter of request recommended for use by a Special Commission of the Hague Convention of 18th March 1970 on the taking of evidence in civil and commercial matters.

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