
STATUTORY INSTRUMENTS

1985 No. 1600 (S. 124)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of Court Amendment No. 7)
(Miscellaneous Amendments) 1985**

Made - - - - - 18th October 1985

Coming into Operation 11th November 1985

The Lords of Council and Session, under and by virtue 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, do hereby 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. 7) (Miscellaneous Amendments) 1985 and shall come into operation on 11th November 1985.

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

Amendment of Rules of Court

2. The Rules of the Court of Session(b) shall be amended as follows.

Citation and service

3. In rule 74A(1)(b)(c), after head (ii), insert the following head—

“(iii) being a company, has a registered office at a particular place, by depositing the citation in that place; or”.

Procedure in finding caution for judicial factors

4. In rule 200(c)(iii), omit the words from “and, on the caution” to “head (i) of this paragraph”.

(a) 1933 c. 41.

(b) S.I. 1965/321.

(c) Inserted by S.I. 1984/472.

Extension of causes in which leave to reclaim not required

5. In rule 264(b)(a), after the words “interim liberation”, insert the words “or in relation to an exclusion order under section 4 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981” (b).

Abandonment of appeals from inferior courts

6. In rule 272(b), for the words “sum of £5·25 of expenses”, substitute the words “expenses of the abandoned appeal which expenses are to be taxed by the Auditor of Court of the Court of Session”.

Cases under Tribunal and Inquiries Act 1971, section 13(2)(c)

7. In rule 291—

- (a) in the heading, for the word “special”, substitute “stated”;
- (b) in paragraph (1)—
 - (i) for the word “special”, substitute “stated”; and
 - (ii) omit the words “same as is provided in paragraph (3) of this Rule”;
- (c) in paragraph (2)(d), for the word “special”, substitute “stated”; and
- (d) omit paragraph (3).

Appeals under Tribunal and Inquiries Act 1971, section 13(1)(d)

8. In rule 292—

- (a) omit paragraph (b); and
- (b) paragraph (c) shall become paragraph (b).

Edinburgh.
18th October 1985

Emslie,
Lord President,
I.P.D.

(a) As amended by S.I. 1977/1621 and 1980/1144.
(b) 1981 c.59.
(c) 1971 c. 62.
(d) As amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), sec. 29 and Sch. 9, para. 11 and sec. 30 and Sch. 10.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session. It provides—

- (a) for citation and service at the registered office of a company by leaving the citation in that place (paragraph 3—rule 74A(1)(b));
- (b) for alteration of the procedure in finding caution in judicial factories so that where the Accountant of Court alters the amount of caution it is not necessary to mark the alteration on the interlocutor sheet of the process (paragraph 4—rule 200(c)(iii));
- (c) for including the granting, refusing or recalling of, or refusing to recall, an exclusion order under section 4 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, amongst the matters for which leave to reclaim is not required (paragraph 5—rule 264(b));
- (d) for changing the provision for expenses in an abandoned appeal from an inferior court so that a respondent may be entitled to such expenses as shall be taxed by the Auditor of the Court of Session (paragraph 6—rule 272(b)); and
- (e) in relation to appeals and cases under section 13 of the Tribunal and Inquiries Act 1971, by substituting stated cases for special cases (rule 291(1) and 2(d)); and omitting the provisions relating to section 8(7) of the Trade Union and Labour Relations Act 1974 (c. 52), which was amended by the Employment Protection Act 1975 (c. 71), sec. 125 and Sch. 16, Part III, para. 3, to provide for appeal to the Employment Appeal Tribunal instead of to the Court of Session (rules 291(3) and 292(b)) (paragraphs 7 and 8).

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