

## STATUTORY INSTRUMENTS

1986 No. 1230 (S. 102)

## SHERIFF COURT, SCOTLAND

## Act of Sederunt (Amendment of Ordinary Cause Rules) 1986

Made - - - - 11th July 1986

Coming into Operation 1st September 1986

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 enabling them in that behalf, do hereby enact and declare:

*Citation and commencement*

1. This Act of Sederunt may be cited as the Act of Sederunt (Amendment of Ordinary Cause Rules) 1986 and shall come into operation on 1st September 1986.

*Interpretation*

2. In this Act of Sederunt “the Ordinary Cause Rules” means the First Schedule to the Sheriff Courts (Scotland) Act 1907(b) and a reference to a rule, paragraph or form is a reference to the rule, paragraph or form in the First Schedule to that Act.

*Amendments to Ordinary Cause Rules*

3.—(1) The Ordinary Cause Rules(c) shall be amended in accordance with the following provisions of this Act of Sederunt.

(2) In rule 3 (initial writ)—

(a) omit the words “and aliment” wherever they occur in paragraphs (2), (4) and (5); and

(b) for paragraph (6), substitute the following paragraph:—

“(6) Unless the sheriff on cause shown otherwise directs, in an action of divorce a warrant for citation shall not be granted without there being produced with the initial writ—

(a) an extract of the relevant entry in the register of marriages; and

(b) where appropriate, an extract of the relevant entry in the register of births.”.

(3) In rule 5 (warrant of citation) omit the words “and aliment” wherever they occur in paragraphs (1) and (2).

(a) 1971 c.58.

(b) 1907 c.51; the First Schedule was substituted by S.I. 1983/747.

(c) As amended by S.I. 1984/255 and 1986/513.

- (4) In rule 9 (form of citation and certificate)—
- (a) after “9.”, insert the words “Subject to rule 11:”;
  - (b) in paragraphs (1) and (2), omit the words “and aliment” wherever they occur; and
  - (c) in paragraphs (5) after the word “witness” insert the word “and”.
- (5) In rule 11 (citation of persons whose address is unknown)—
- (a) for paragraphs (1) and (2), substitute the following paragraphs:—
    - “(1) Without prejudice to the provisions of rule 11A, where a defender’s address is unknown to the pursuer, the sheriff shall grant warrant to cite the defender—
    - (a) by the publication in a newspaper circulating in the area of the defender’s last known address of an advertisement as nearly as may be in accordance with Form E as set out in the Appendix to this Schedule: or
    - (b) by displaying on the walls of court a copy of the instance and crave of the initial writ, warrant of citation and notice as nearly as may be in accordance with Form E1 as set out in the Appendix to this Schedule,
- and the period of notice, which shall be fixed by the sheriff, shall run from the date of publication of the advertisement or display on the walls of court, as the case may be.
- (2) Where citation requires to be effected under paragraph (1), the pursuer shall lodge a service copy of the initial writ and a copy of the warrant of citation with the sheriff clerk from whom they may be uplifted by the defender.”;
- (b) in paragraph (4), for the words “In every case where”, substitute the word “Where”; and
  - (c) after paragraph (4), insert the following paragraph:—
    - “(5) Where display on the walls of court is required under paragraph (1)(b), the pursuer shall supply to the sheriff clerk for that purpose a certified copy of the instance and crave of the initial writ and the warrant of citation.”.
- (6) In rule 11(A) (citation in certain actions of divorce or separation)—
- (a) in the heading, for the words “*Citation of*” substitute the words “*Intimation to*”;
  - (b) in the heading and in paragraph (1), omit the words “and aliment” wherever they occur;
  - (c) in paragraph (1), for “1960” substitute “1984”;
  - (d) for paragraph (3), substitute the following paragraph:—
    - “(3) Intimation to a person mentioned in sub-paragraphs (a) to (c) of paragraph (1) shall be as nearly as may be in accordance with Form VI (where the defender is suffering from mental disorder) or Form V2 (where the defender’s address is unknown) as set out in the Appendix to this Schedule.”; and
  - (e) after paragraph (5), insert the following paragraph:—

“(6) A person receiving intimation under paragraph (1) may apply within the period of notice by minute craving to be sisted as a party and for leave to lodge defences or answers as the case may be.”.

(7) In rule 21(2) (minute for granting of decree without attendance), omit the words “Subject to Rule 72” and the words “and aliment, adherence and aliment”.

(8) In rule 22 (procedure in certain undefended actions)—

(a) in the heading, omit the words “*of adherence and aliment, and*”;

(b) in paragraph (1), omit the words “of adherence and aliment or an action”; and

(c) omit paragraph (2) and renumber paragraph (3) as paragraph (2).

(9) In rule 23 (procedure in undefended actions of divorce, separation and aliment), in the heading and in paragraph (1)(a) and (b), omit the words “and aliment”.

(10) In rule 28 (defender may be reponed against decree in absence), omit the words “and aliment”.

(11) For rule 34 substitute the following rule:—

*“Minute relating to aliment, periodical allowance, capital payment or transfer of property*

**34.—**(1) In an action of separation, affiliation and aliment or for custody of a child, a defender who intends only to dispute the amount of aliment may, in place of lodging a notice of intention to defend, lodge a minute to that effect condescending on the relevant facts.

(2) In an action of divorce, a defender who intends only to dispute liability for, or the amount of, or raise other matters relating to, aliment, periodical allowance, capital payment or transfer of property may, in place of lodging a notice of intention to defend, lodge a minute condescending on the relevant facts.

(3) In an action of divorce or of separation, a defender may, without lodging a notice of intention to defend, apply to the court by minute craving an order for aliment, periodical allowance, capital payment or transfer of property and such minute shall crave the order which he claims the sheriff should make, and condescend on the relevant facts.

(4) On the lodging of a minute under paragraph (1), (2) or (3)—

(a) the sheriff clerk shall enrol the cause for a hearing, and the defender shall send a copy of the minute and intimate the date of the hearing to the pursuer; and

(b) the pursuer shall return the initial writ to the sheriff clerk at or before the hearing, but shall not, unless the sheriff otherwise directs, require to lodge a process.

(5) At the hearing, the sheriff may resolve the matter or continue the cause for such further procedure as he considers appropriate.

(6) In an action referred to in this rule, the sheriff may grant decree in terms of a joint minute dealing with aliment, periodical allowance,

capital payment or transfer of property whether or not these have been craved in the initial writ of minute.”.

- (12) In rule 56 (counter-claim for custody, access or maintenance)—
- (a) after “56” insert “-(1)”;
  - (b) in paragraph (1), for the words “a claim of any kind”, substitute the words “any claim relating to such matters of a kind”; and
  - (c) after paragraph (1), insert the following paragraphs:—
    - “(2) Where a defender makes a counter-claim under paragraph (1), he may, where it would otherwise be competent, incorporate a crave for an order for aliment, periodical allowance, capital payment or transfer of property rather than proceed by way of separate minute under rule 34.
    - (3) In a cause referred to in this rule, the sheriff may grant decree in terms of a joint minute dealing with custody of, access to, or maintenance for, a child, aliment, periodical allowance, capital payment or transfer of property whether or not those have been craved in the initial writ or counter-claim.”.
- (13) In rule 59(1) (decree by default), omit the words “and aliment”.
- (14) For rule 59A substitute the following rule:—
- “Late appearance by defender in actions of divorce and of separation*
- 59A.**—(1) The sheriff may make an order, with or without conditions, allowing a defender in an action of divorce or of separation who has not lodged a notice of intention to defend or defences—
- (a) to appear and be heard at a diet of proof;
  - (b) to lodge defences and to lead evidence at any time before decree of divorce or of separation has been pronounced; or
  - (c) to appeal within 14 days of the decree of divorce or of separation.
- (2) Where an order is made under paragraph (1)(a), a defender may not lead evidence without the consent of the pursuer.
- (3) Where an order is made under paragraph (1)(b), the pursuer may lead further evidence, by recalling witnesses already examined or otherwise, whether or not he closed his proof before the order was made.”.
- (15) In rule 72(1) (affidavit evidence)—
- (a) omit the words “and aliment” wherever they occur; and
  - (b) for “1960” substitute “1984”.
- (16) For rule 129, substitute the following rule:—
- “Recall or variation of decrees for aliment or orders for financial provision and of decrees regarding the custody of and access to children*
- 129.**—(1) Subject to paragraph (4), applications to which paragraph (2) applies shall be made by minute lodged in the original process in which decree was pronounced or an order granted.
- (2) This rule applies to applications for—

- (a) the recall or variation of a sheriff court decree for payment of aliment whether pronounced in favour of a spouse, a parent, or any other person or pronounced in respect of a legitimate or illegitimate child; or
- (b) recall or variation of a periodical allowance;
- (c) variation of the date or method of payment of a capital sum;
- (d) variation of the date of transfer of property;
- (e) the recall or variation of any decree regulating the custody of or access to legitimate or illegitimate children; or
- (f) the recall or variation of an incidental order as defined in section 14(2) of the Family Law (Scotland) Act 1985(a) made before, on, or after, the date of the decree of divorce.

(3) The sheriff shall order the minute to be served on any other party and appoint answers to be lodged within a specified time and shall thereafter without closing the record, and after such proof or other procedure as to the sheriff seems necessary, dispose of the application.

(4) In an action of divorce or of separation, a party may, without making application under paragraph (1), crave an order relating to custody, aliment of or access to the children of the marriage, or aliment of one of the parties, notwithstanding that an order to the same or different effect has been made in a previous sheriff court process whether in the same or another sheriff court and the sheriff may make such new order thereanent as the circumstances at the date of the order require, whereupon the previous order shall cease to apply.”.

(17) For rule 130 (intimation) substitute the following rule:—

*“Intimation*

**130.—(1)(a)** In an action where—

- (i) adultery is averred by the pursuer or defender;
- (ii) the name of the person with whom adultery is alleged to have been committed is disclosed in the action; and
- (iii) such person is not a party to the action,

the sheriff shall not allow inquiry until a copy of the initial writ and a form of intimation as nearly as may be in accordance with Form H1 as set out in the Appendix to this Schedule have been intimated to such person or until the sheriff is satisfied that the address of such person is unknown.

(b) An order for such intimation may be contained in the original warrant of citation or intimation may be appointed to be made at a later stage.

(c) The requirement to intimate under this paragraph shall not apply where the pursuer alleges rape upon, or incest with, a named person by the defender.

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(a) 1985 c.37.

(2)(a) In an action in which the pursuer alleges sodomy or any homosexual relationship between the defender and a named person, the pursuer shall, immediately after the expiry of the period of notice, enrol a motion for intimation to that person, and the sheriff, at the hearing of the motion, may make such order for intimation or for dispensing with intimation to that person as seems just.

(b) Where intimation is ordered under this paragraph, a form of intimation as nearly as may be in accordance with Form H2 as set out in the Appendix to this Schedule and a copy of the initial writ shall be intimated to the named person.

(3) Where the sheriff makes an order dispensing with intimation under paragraph (2), he may also make an order that the name of that person be deleted from the condescendence in the initial writ.

(4) In an action in which the sheriff may make an order in respect of the custody of a child—

(a) who is in the care of a local authority; or

(b) who is a child of one spouse (including an illegitimate or an adopted child), being a child under the age of 16 years and who is liable to be maintained by a third party,

the pursuer shall intimate a copy of the initial writ and form of intimation as nearly as may be in accordance with Form H3 as set out in the Appendix to this Schedule to the local authority or third party concerned.

(5) In an action relating to a marriage which was entered into under a law which permits polygamy and in which a decree of separation or a decree of divorce is sought, and either party to the marriage in question has any spouse additional to the other party, the warrant of citation shall include an order for intimation of the action to such additional spouse and the pursuer shall intimate a copy of the initial writ and form of intimation as nearly as may be in accordance with Form H4 as set out in the Appendix to this Schedule to such additional spouse.

(6) In an action in which the sheriff may make an order in respect of the custody of a child who is in *de facto* custody of a third party, the pursuer shall intimate a copy of the initial writ and form of intimation as nearly as may be in accordance with Form H5 as set out in the Appendix to this Schedule to the third party concerned.

(7) In an action in which the sheriff—

(a) proposes to commit the care of a child to an individual other than one of the parties to the marriage or to a local authority under section 10 of the Matrimonial Proceedings (Children) Act 1958(a) or section 11(1)(a) of the Guardianship Act 1973(b); the pursuer shall intimate a copy of the initial writ and form of intimation as nearly as may be in accordance with Form H6 as set out in the Appendix to this Schedule to the individual or local authority concerned; or

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(a) 1958 c.40.

(b) 1973 c.29.

(b) has made an order placing a child under the supervision of a local authority under section 12 of the Matrimonial Proceedings (Children) Act 1958 or section 11(1)(b) of the Guardianship Act 1973; the sheriff clerk shall send a form of intimation thereof as nearly as may be in accordance with Form H6A as set out in the Appendix to this Schedule to the local authority concerned.

(8) In an action for custody of a child by a person by virtue of section 47(1) of the Children Act 1975(a), that person shall give notice to—

(a) the local authority within whose area that person resides within seven days of lodging the action; or

(b) in any other case, such local authority as the court may direct under section 49(1) of the Children Act 1975,

by intimating to the local authority a copy of the initial writ together with a notice as nearly as may be in accordance with Form T2 as set out in the Appendix to this Schedule.

(9) In an action in which an order is sought by a pursuer or defender under section 8(1) of the Family Law (Scotland) Act 1985 for the transfer of property subject to security in which the consent of the creditor has not been obtained, the party seeking the order shall intimate a copy of the initial writ and form of intimation as nearly as may be in accordance with Form H7 as set out in the Appendix to this Schedule, to the creditor.

(10) Intimation under paragraph (4) or (5) may be dispensed with if the sheriff is satisfied that the address of the person to whom intimation is to be made is unknown.

(11)(a) Intimation under this rule shall be on a period of notice of fourteen days unless the sheriff shall consider it appropriate in the circumstances to appoint another period; provided that in no circumstances shall the period of notice be less than forty eight hours.

(b) All warrants for intimation except those under paragraph (2), or where the period of notice is varied, may be signed by the sheriff clerk in conjunction with a warrant of citation under rule 8(1).

(12) A person receiving intimation under paragraph (1), (2), (4), (5), (6), (7)(a) or (9) may apply within the period of notice by minute craving to be sisted as a party and for leave to lodge defences or answers as the case may be.

(13)(a) A minute lodged under paragraph (12) shall be accompanied by the service copy of the intimation.

(b) On receiving such a minute, the sheriff clerk shall assign a diet in the cause for a date after the expiry of the period of notice and the sheriff shall, at the diet, regulate the further procedure in the cause.

(c) The sheriff may authorise proof by affidavit evidence in respect of any matter not in dispute between the parties.”.

(18) In rule 131 (notices in action of divorce, and separation and aliment), in the heading and in paragraphs (1) and (3), omit the words “and aliment” wherever they occur.

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(a) 1975 c.72.

(19) In rule 132 (consent to grant of decree) in paragraphs (1) and (3), omit the words “and aliment” wherever they occur.

(20) After rule 132, insert the following rule:—

*“Applications under the Family Law (Scotland) Act 1985*

**132A.**—(1) Where, in an action in which an alimentary crave is or may be made, a party seeks an order under section 7(2) of the Family Law (Scotland) Act 1985 (“the 1985 Act”) (variation or termination of agreement on aliment) he shall do so either in the initial writ or by separate minute in the process.

(2) Where an order referred to in paragraph (1) is sought in any other circumstances, application for the order shall be by way of summary application.

(3) Where a party seeks an order under section 16(1)(a) of the 1985 Act (order setting aside or varying term of agreement relating to a periodical allowance), application for the order shall be by way of summary application.

(4) Where a party in an action of divorce seeks an order under section 16(1)(b) of the 1985 Act (agreement or financial provision not fair and reasonable), he shall do so either in the initial writ or by separate minute in the process or, if appropriate, by way of counter-claim.”.

(21) In rule 133(1) (special application for curator *ad litem*)—

(a) omit the words “and aliment”; and

(b) for “1960” substitute “1984”.

(22) In rule 135(2)(f), for “1960” substitute “1984”.

(23) In rule 138 (citation in simplified divorce procedure), for paragraphs (9) and (10), substitute the following paragraphs:—

“(9) Where, in an application, the facts in section 1(2)(e) of the Act of 1976 are relied on and the address of the respondent is unknown—

(a) citation of the respondent shall be effected by displaying a copy of the application and notice as nearly as may be in accordance with Form SDA6 as set out in the Appendix to this Schedule on the walls of court and the period of notice shall be fourteen days; and

(b) intimation shall be made to—

(i) every child of the marriage between the parties and

(ii) one of the next of kin of the respondent who has reached the age of 12 years in the case of a girl and 14 years in the case of a boy.

(10) Intimation to a person referred to in sub-paragraph 9(b)(i) and (ii) shall be effected by intimating a copy of the application and form of intimation as nearly as may be in accordance with Form SDA7 as set out in the Appendix to this Schedule.



(11) Intimation to a person referred to in sub-paragraph 9(b)(i) and (ii) shall not be required under paragraph 10 if the address of that person is unknown to the applicant.”.

(24) In rule 142 (appeal in simplified divorce procedure), for the word “sheriff”, substitute the word “court”.

*Forms*

4.—(1) The forms set out in the Ordinary Cause Rules shall be amended as follows:—

- (a) in Form D, after the words “with me subscribing”, insert the words “in actions of divorce and separation also set forth any forms sent in accordance with rule 131”;
- (b) in Form E, for the words “he should immediately contact the sheriff clerk (address)” substitute the words “or to make any claim therein he/she should immediately contact the sheriff clerk (address) from whom he/she may obtain the service copy initial writ.”;
- (c) in Form P, for the words “rule 141” substitute the words “rule 128”; and for the words “rule 141(2)”, substitute the words “rule 128(2)”;
- (d) in Form S in the heading, omit the words “and aliment”;
- (e) in Form S2 in the heading, omit the words “and aliment”;
- (f) in Form T—
  - (a) omit the words “and aliment” wherever they occur;
  - (b) omit the words “(signed) witness”;
- (g) in Form T2 for the words “rule 130(9)” substitute the words “rule 130(8)”;
- and
- (h) in form V omit the words “and aliment”.

(2) The following forms set out in the Schedule to this Act of Sederunt shall be inserted in the Ordinary Cause Rules:—

- (a) after Form E, insert Form E1;
- (b) after Form H, insert Forms H1, H2, H3, H4, H5, H6, H6A and H7;
- (c) after Form V, insert Forms V1 and V2; and
- (d) after Form SDA5, insert Forms SDA6 and SDA7.

*Emslie,*  
Lord President,  
I.P.D.

Edinburgh,  
11th July 1986.

## SCHEDULE

FORM E1

Rule 11(1)(b)

## DISPLAY ON THE WALLS OF COURT

Court Ref No.

An Action has been raised in Sheriff Court by A.B. pursuer  
calling as a defender C.D. whose last known address was

If C.D. wishes to defend the action or to make any claim therein he/she should immediately contact the Sheriff Clerk (*address*) from whom he/she may obtain the service copy Initial Writ.

Tel No:—

(Signed) Sheriff Clerk  
Date:— (*insert date*)

FORM H1

Rule 130(1)(a)

## FORM OF INTIMATION TO ALLEGED ADULTERER IN ACTION OF DIVORCE OR SEPARATION

To (*name and address as in the Warrant*)

Take note that in an action number ('*A*' number), you are alleged to have committed adultery. A copy of the Initial Writ is attached. If you wish to dispute the truth of the allegation made against you, you may lodge a minute with the Sheriff Clerk (*insert full address of Sheriff Clerk*) for leave to appear as a party. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)

(Signed) A.B.  
[Solicitor for Pursuer]

## NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£ ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

FORM H2

Rule 130(2)(b)

FORM OF INTIMATION TO PERSON WITH WHOM AN IMPROPER ASSOCIATION IS ALLEGED  
TO HAVE OCCURREDTo (*name and address as in the Warrant*)

Take note that in an action number ('A' number), the defender is alleged to have had an improper association with you. A copy of the Initial Writ is attached. If you wish to dispute the truth of the allegation made against you, you may lodge a minute with the Sheriff Clerk (*insert full address of Sheriff Clerk*) for leave to appear as a party. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)(Signed) A.B.  
[Solicitor for Pursuer]

## NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£ ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

FORM H3

Rule 130(4)

FORM OF INTIMATION TO A LOCAL AUTHORITY OR THIRD PARTY WHO MAY BE LIABLE  
TO MAINTAIN A CHILDTo (*name and address as in the Warrant*)

Take note that in an action number ('A' number), the Court may make an order in respect of the custody of (*name and address*) a child in your care [or liable to be maintained by you]. A copy of the Initial Writ is attached. If you wish to appear as a party, you may lodge a minute with the Sheriff Clerk (*insert full address of Sheriff Clerk*), for leave to do so. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)(Signed) A.B.  
[Solicitor for Pursuer]

## NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£ ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

FORM H4

Rule 130(5)

FORM OF INTIMATION TO ADDITIONAL SPOUSE OF EITHER PARTY IN PROCEEDINGS  
RELATING TO A POLYGAMOUS MARRIAGE

To (*name and address as in the Warrant*)

Take note that an action for divorce [*or separation*] number (*'A' number*), involves (*name and designation*) your spouse. A copy of the Initial Writ is attached. If you wish to appear as a party, you may lodge a minute with the Sheriff Clerk (*insert full address of Sheriff Clerk*), for leave to do so. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)

(*Signed*) A.B.  
[Solicitor for Pursuer]

## NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£ ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

FORM H5

Rule 130(6)

FORM OF INTIMATION TO PERSON HAVING *De Facto* CUSTODY OF CHILDREN

To (*name and address as in the Warrant*)

Take note that in an action number (*'A' number*), the court may make an order in respect of the custody of (*name and address*) a child/children at present in your custody. A copy of the Initial Writ is attached. If you wish to appear as a party, you may lodge a minute

with the Sheriff Clerk (*insert full address of Sheriff Clerk*), for leave to do so. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)

(Signed) A.B.  
[Solicitor for Pursuer]

NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£ ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

FORM H6

Rule 130(7)(a)

FORM OF INTIMATION TO LOCAL AUTHORITY OR THIRD PARTY TO WHOM CARE OF A CHILD  
IS TO BE GIVEN

To (*name and address as in the Warrant*)

Take note that in an action number (*'A' number*), the court proposes to commit to your care the child (*name and address*). A copy of the Initial Writ is attached. If you wish to appear as a party, you may lodge a minute with the Sheriff Clerk (*insert full address of Sheriff Clerk*), for leave to do so. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)

(Signed) A.B.  
[Solicitor for Pursuer]

NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£ ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

FORM H6A

Rule 130(7)(b)

## FORM OF INTIMATION TO LOCAL AUTHORITY OF SUPERVISION ORDER

Initial Writ

in

A.B. (*Address*)

Pursuer(s)

against

C.D. (*Address*)

Defender(s)

To (*name and address of local authority*)

## TAKE NOTICE

That on (*date*) in the Sheriff Court at (*place*) the Sheriff made a supervision order under \*section 12 of the Matrimonial Proceedings (Children) Act 1958/\*section 11(1)(b) of the Guardianship Act 1973, placing the child (*name and address*) under your supervision. A certified copy of the sheriff's interlocutor is attached hereto.

Date:— (*insert date*)(Signed) A.B.  
Sheriff Clerk

\*Delete as appropriate

FORM H7

Rule 130(9)

FORM OF INTIMATION TO CREDITOR IN APPLICATION FOR ORDER FOR THE TRANSFER OF  
PROPERTY UNDER SECTION 8 OF THE FAMILY LAW (SCOTLAND) ACT 1985To (*name and address as in the Warrant*)

Take note that in an action number (*'A' number*) an order is sought for the transfer of property (*specify the order*), over which you hold a security. A copy of the Initial Writ is attached. If you wish to appear as a party, you may lodge a minute with the Sheriff

Clerk (*insert full address of Sheriff Clerk*), for leave to do so. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)

(*Signed*) A.B.  
[Solicitor for Pursuer]

#### NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£ ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

#### FORM V1

Rule 11A(3)

FORM OF INTIMATION TO CHILDREN, NEXT OF KIN AND *Curator Bonis* IN AN ACTION OF DIVORCE OR SEPARATION WHERE THE DEFENDER SUFFERS FROM A MENTAL DISORDER

To (*name and address as in the Warrant*)

Take note that an action of divorce [*or separation*] number (*'A' number*) has been raised against (*name, and designation*) your (father, mother, brother or other relative, or ward, as the case may be). A copy of the Initial Writ is attached. If you wish to appear as a party, you may lodge a minute with the Sheriff Clerk (*insert full address of Sheriff Clerk*), for leave to do so. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)

(*Signed*) A.B.  
[Solicitor for Pursuer]

#### NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£ ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

FORM V2

Rule 11A(3)

FORM OF INTIMATION TO CHILDREN AND NEXT OF KIN IN AN ACTION OF DIVORCE OR  
SEPARATION WHERE THE DEFENDER'S ADDRESS IS UNKNOWN

To (*name and address as in the Warrant*)

Take note that an action of divorce [*or separation*] number ('*A' number*), has been raised against (*name*) your [father, mother, brother or other relative *as the case may be*]. If you know of his/her present address, you are requested to forward the same to the Sheriff Clerk (*insert full address of Sheriff Clerk*) forthwith. You may also if you wish to appear as a party lodge a minute with the Sheriff Clerk for leave to do so. Your minute must be lodged within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)

(*Signed*) A.B.  
[Solicitor for Pursuer]

NOTE

The minute to be lodged with the Sheriff Clerk must be in proper form. You should crave to be sisted as a party to the action and seek leave to lodge defences or answers. The minute must be accompanied by the appropriate fee of (£            ).

It may be in your best interests to consult a solicitor who, if necessary, will advise you on the availability of legal aid.

FORM SDA6

Rule 138(9)

FORM OF INTIMATION FOR DISPLAY ON WALLS OF COURT

Court Ref. No.:

An application for divorce has been made in  
A.B. calling as defender C.D.

Sheriff Court by

If C.D. wishes to oppose the granting of decree of divorce he/she should immediately contact the Sheriff Clerk from whom he/she may obtain a copy of the application.

Tel No:—

(*Signed*) Sheriff Clerk

Date:— (*insert date*)



FORM SDA7

Rule 138(10)

FORM OF INTIMATION TO CHILDREN AND NEXT OF KIN IN SIMPLIFIED DIVORCE  
APPLICATIONTo (*name and address*)

TAKE NOTICE that an application for divorce (*number of application*) has been made against (*name of respondent*) your [father, mother, brother or other relative *as the case may be*]. A copy of the application is attached. If you know of his/her present address, you are requested to forward it to the Sheriff Clerk (*insert full address of Sheriff Clerk*) forthwith. You may also, if you wish, oppose the granting of decree of divorce by sending a letter to the court giving your reasons for your opposition to the application. Your letter must be sent to the Sheriff Clerk within [14] days from (*insert date*), the date of posting of this intimation.

Date:— (*insert date*)

(Signed) A.B.  
Sheriff Clerk

## NOTE

It may be in your best interests to consult a solicitor, who if necessary, will advise you on the availability of legal aid.

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EXPLANATORY NOTE

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

This Act of Sederunt amends the Ordinary Cause Rules of the Sheriff Court relating to consistorial and similar actions, and makes amendments as a consequence of changes in the law introduced by the Family Law (Scotland) Act 1985.

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