
STATUTORY INSTRUMENTS

1988 No. 614 (S.67)

SHERIFF COURT, SCOTLAND

**Act of Sederunt (Sheriff Court Ordinary Cause
Rules Amendment No.1) (Family Law) 1988**

Made - - - - 23rd March 1988
Coming into force - - 4th April 1988

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((1)) and of all other powers enabling them in that behalf, after consultation with the Sheriff Court Rules Council, do hereby enact and declare:

Citation and commencement

1. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Ordinary Cause Rules Amendment No.1) (Family Law) 1988 and shall come into force on 4th April 1988.

Amendment of the Ordinary Cause Rules

2. After rule 132B of the Ordinary Cause Rules of the Sheriff Court (Applications to declare removal of child unlawful)((2)), insert the following rules:—

“FAMILY LAW ACT 1986

Averments of other proceedings relating to children

132C. A party to any cause which includes an application for a custody order (as defined by section 1(1)(b) of the Family Law Act 1986((3))), shall make averments in his pleadings giving particulars of any other proceedings known to him (whether in Scotland or elsewhere and whether concluded or not) which relate to the child in respect of whom the custody order is sought.

(1) 1971 c. 58
(2) S.I.1983/747, as amended by S.I. 1986/1966
(3) 1986 c. 55

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Disclosure of information

132D. Where the court pronounces an interlocutor ordering a person to disclose information to the court as to a child's whereabouts under section 33(1) of the Family Law Act 1986, it may do so by ordaining that person to appear before it or to lodge an affidavit.

Applications for interdict or interim interdict

132E. An application by a person mentioned in section 35(4)(b) or (c) of the Family Law Act 1986 for interdict or interim interdict under section 35(3) of that Act shall be made by minute in the cause in which the application is to be made.”

23rd March 1988

Emslie
Lord President, I.P.D. Edinburgh

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 in relation to the Family Law Act 1986 by making provision for (a) averments in any cause which includes an application for a custody order about other proceedings in relation to the child in respect of whom the custody order is sought;

- (b) orders on persons to disclose information as to a child's whereabouts; and
- (c) applications for interdict and interim interdict.