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STATUTORY INSTRUMENTS

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**1993 No. 1956**

**Act of Sederunt (Sheriff Court Ordinary Cause Rules) 1993**

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Ordinary Cause Rules) 1993 and shall come into force on 1st January 1994.

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

**Ordinary Cause Rules**

2. For Schedule 1 to the Sheriff Courts (Scotland) Act 1907(1) there shall be substituted the Schedule in Schedule 1 to this Act of Sederunt.

**Extension of Ordinary Cause Rules to summary causes**

3. In the Act of Sederunt (Summary Cause Rules, Sheriff Court) 1976(2), for paragraph 3(2) there shall be substituted the following paragraph:—

“(2) The following provisions of the Ordinary Cause Rules 1993 shall apply to a summary cause insofar as not inconsistent with those Rules:—

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rule 5.7	(persons carrying on business under trading or descriptive name),
rule 6.1	(service of schedule of arrestment),
rule 7.6	(amendment of initial writ),
rule 12.2(2)	(correction of clerical errors in interlocutors),
rule 25.1	(minutes of sist),
rule 25.2	(minutes of transference),
rule 26.3	(remit from Court of Session),
rule 28.2	(applications for commission and diligence for recovery of documents or for orders under section 1 of the Act of 1972),
rule 28.14	(letters of request),
rule 29.3	(evidence generally),
rule 29.17	(proof to be taken continuously),

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(1) 1907 c. 51; Schedule 1 was substituted by S.I.1983/747.

(2) S.I. 1976/476; paragraph 3(2) was substituted by S.I. 1983/747 and amended by S.I. 1986/1966, 1989/436 and 1990/661.

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*Status: This is the original version (as it was originally made).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

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rule 29.19	(incidental appeal against rulings on confidentiality of evidence and production of documents),
rule 30.2	(taxes on money under control of the court),
rule 30.9	(service of charge where address of defender not known),
rule 33.7	(warrants and forms for intimation in family actions),
rules 34.5 to 34.9	(removing),
rules 36.14 to 36.17	(management of damages payable to persons under legal disability),
Chapter 38	(European Court).”.

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#### **Extension of Ordinary Cause Rules to small claims**

4. In the Act of Sederunt (Small Claims Rules) 1988(3), for Appendix 2 there shall be substituted the following appendix:—

#### “APPENDIX 2

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rule 5.7	(persons carrying on business under trading or descriptive name),
rule 6.1	(service of schedule of arrestment),
rule 12.2(2)	(correction of clerical errors in interlocutors),
rule 25.1	(minutes of sist),
rule 25.2	(minutes of transference),
rule 28.14	(letters of request),
rule 30.2	(taxes on money under control of the court),
rule 30.9	(service of charge where address of defender not known),
rules 36.14 to 36.17	(management of damages payable to persons under legal disability),
Chapter 38	(European Court).”.

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#### **Revocations and repeal**

5. The enactments specified in column 2 of Schedule 2 to this Act of Sederunt shall be revoked or repealed, as the case may be, to the extent specified in column 3 of that Schedule.

### **Savings for causes already commenced**

6. Nothing in this Act of Sederunt shall affect any cause commenced before the date of the coming into force of this Act of Sederunt, and any such cause shall proceed according to the law and practice in force immediately before that date.

Edinburgh,  
29th July 1993

*J.A.D. Hope*  
Lord President, IPD