

SCHEDULE

AMENDMENT TO ORDINARY CAUSE RULES 1993

6. In rule 33.7 (warrants and forms for intimation)–
- (a) in paragraph (1)–
- (i) at the beginning of the paragraph, for the words “In the initial writ”, substitute the words “Subject to paragraphs (5) and (7), in the initial writ”;
 - (ii) in sub-paragraph (e), for the words “an order for any parental rights”, substitute the words “a section 11 order”;
 - (iii) in head (iii) of sub-paragraph (e), for the words “exercises such rights *de facto*”, substitute the words “in fact exercises care or control”;
 - (iv) in sub-paragraph (f), for the words “the custody of a child”, substitute the words “a section 11 order”;
 - (v) in sub-paragraph (g), for the words “the custody”, substitute the words “a residence order in respect”; and
 - (vi) for sub-paragraph (h), substitute the following sub-paragraph–
 - “(h) in an action which includes a crave for a section 11 order, to the child to whom such an order would relate if not a party to the action, and a notice of intimation in Form F9 shall be intimated to that child;”;
- (b) in paragraph (4), for sub-paragraphs (a) and (b), substitute the following sub-paragraphs:–
- “(a) craves a residence order in respect of a child,
 - (b) is not a parent of the child, and
 - (c) is not resident in Scotland when the initial writ is lodged for warranting;” and
- (c) after paragraph (6), insert the following paragraph:–
- “(7) Where a pursuer considers that to order intimation to a child under paragraph (1) (h) is inappropriate, he shall–
 - (a) include a crave in the initial writ to dispense with intimation to that child, and
 - (b) include in the initial writ averments setting out the reasons why such intimation is inappropriate;and the sheriff may dispense with such intimation or make such other order as he thinks fit.”.