
STATUTORY INSTRUMENTS

1996 No. 3144 (S.239)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Commissary Court Books) (Amendment) 1996

Made - - - - *10th December 1996*

Coming into force - - *1st January 1997*

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, having approved draft rules submitted to them by the Sheriff Court Rules Council under section 34 of that Act, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Commissary Court Books) (Amendment) 1996 and shall come into force on 1st January 1997.

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

Amendment of Act of Sederunt (Commissary Court Books) 1992

2.—(1) The Act of Sederunt (Commissary Court Books) 1992(2) is amended as follows.

(2) For sub-paragraph (2) of paragraph 3, there shall be substituted the following sub-paragraphs:—

“(2) Subject to sub-paragraph (3) of this paragraph, the Commissary Court Books kept by the commissary clerk shall comprise—

(a) a complete copy of every document received by the commissary clerk for recording; and

(b) an index of every document so recorded.

(2A) The commissary clerk shall not utilise new types of equipment for the purposes of recording documents in the Commissary Court Books without the prior approval of the Keeper of the Records of Scotland.”.

(3) In paragraphs 3(3), 4(3), 5 and 6, for the word “writ”, wherever it occurs, there shall be substituted the word “document”.

(1) 1971 c. 58; section 32 was amended by paragraph 12 of Schedule 2 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), by section 2(4) of the Civil Evidence (Scotland) Act 1988 (c. 32) and by paragraph 18 of Schedule 4 to the Children (Scotland) Act 1995 (c. 36).

(2) S.I.1992/3256.

Status: This is the original version (as it was originally made).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

(4) Sub-paragraph (4) of paragraph 3 shall be revoked.

Edinburgh
10th December 1996

Rodger of Earlsferry
Lord President, IPD

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends existing provisions for the keeping of records in the Commissary Court Books to allow for recording of such records by methods other than microfilm. It requires the commissary clerk to seek the prior approval of the Keeper of the Records of Scotland before using new types of equipment to record documents in the Commissary Court Books.

It also amends the term “writ” to “document” to reflect more accurately the practice of the commissary clerk.