

This Statutory Instrument has been made in consequence of a defect in S.I. 1998/1993 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

1998 No. 2130 (S. 109)

SHERIFF COURT, SCOTLAND

**Act of Sederunt (Child Care and
Maintenance Rules) (Amendment No.2) 1998**

Made - - - - 26th August 1998

Coming into force - - 1st September 1998

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 in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Child Care and Maintenance Rules) (Amendment No.2) 1998 and shall come into force on 1st September 1998.

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

Amendment of Child Care and Maintenance Rules 1997

2.—(1) The Act of Sederunt (Child Care and Maintenance Rules) 1997⁽²⁾ shall be amended in accordance with the following paragraph.

(2) In rule 3.59 (appeals)—

(a) for paragraph (1), there shall be substituted the following:—

“(1) An application to the sheriff to state a case for the purposes of an appeal under section 51(11)(a) of the Act shall specify the point of law upon which the appeal is to proceed or the irregularity in the conduct of the case concerned, as the case may be.”; and

(b) in paragraph (2) and (3), for the words “a note of appeal”, there shall be substituted the words “the application for a stated case”.

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

(2) S.I. 1997/291.

Status: This is the original version (as it was originally made).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

Revocation

3. The Act of Sederunt (Child Care and Maintenance Rules) (Amendment) 1998(3) is hereby revoked.

Edinburgh
26th August 1998

Rodger of Earlsferry
Lord President, IPD

EXPLANATORY NOTE

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

This Act of Sederunt amends rule 3.59 (appeals) of the Act of Sederunt (Child Care and Maintenance Rules) 1997 by:

- (a) removing references to notes of appeal and substituting therefor references to applications for a stated case; and
- (b) removing the provision relating to the time period for making appeals under section 51(11) of the Children (Scotland) Act 1995 which was erroneously stated as 14 days (section 51(13) of the 1995 Act provides that such appeals must be made within 28 days beginning with the date of the decision appealed against).

This Act of Sederunt entirely replaces the Act of Sederunt (Child Care and Maintenance Rules) (Amendment) 1998, which contained a drafting error and is being revoked prior to coming into force.