
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 416

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 2) 2010**

Intimation to local authority in family and civil partnership actions

7.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.

(2) In Chapter 33 (family actions)—

(a) omit—

(i) rule 33.7(1)(g);

(ii) rule 33.7(4);

(b) for rule 33.12 (execution of service on, or intimation to, local authority) substitute—

“Intimation to local authority

33.12.—(1) In any family action where the pursuer craves a residence order in respect of a child, the sheriff may, if the sheriff thinks fit, order intimation to the local authority in which area the pursuer resides; and such intimation shall be in Form F8.

(2) Where an order for intimation is made under paragraph (1), intimation to that local authority shall be given within 7 days after the date on which an order for intimation has been made.”.

(3) In Chapter 33A (civil partnership actions)—

(a) omit—

(i) rule 33A.7(1)(e);

(ii) rule 33A.7(4);

(b) for rule 33A.12 (execution of service on, or intimation to, local authority) substitute—

“Intimation to local authority

33A.12.—(1) In any civil partnership action where the pursuer craves a residence order in respect of a child, the sheriff may, if the sheriff thinks fit, order intimation to the local authority in which area the pursuer resides; and such intimation shall be in Form CP6.

(2) Where an order for intimation is made under paragraph (1), intimation to that local authority shall be given within 7 days after the date on which an order for intimation has been made.”.

(4) In Appendix 1 (forms)—

(a) In Form F8 (Form of notice to local authority requesting a report in respect of a child)—

(i) For the paragraph numbered “2” substitute—

“**2.** If you wish to oppose this action, or oppose the granting of any order applied for by the pursuer in respect of the child, you must lodge a notice of intention to defend (Form F26). See Form F26 attached for further details.”;

Status: This is the original version (as it was originally made).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

- (ii) The title of the Form becomes “Form of notice to local authority”.
- (b) In Form CP6 (Form of notice to local authority requesting a report in respect of a child in a civil partnership action)—
 - (i) For the paragraph numbered “2” substitute—
 - “2. If you wish to oppose this action, or oppose the granting of any order applied for by the pursuer in respect of the child, you must lodge a notice of intention to defend (Form CP16). See Form CP16 attached for further details.”;
 - (ii) The title of the Form becomes “Form of notice to local authority”.
- (5) But the Ordinary Cause Rules as they applied immediately before 1st January 2011 continue to have effect for the purpose of any family action or civil partnership action, as the case may be, in respect of which an initial writ is lodged before that date.