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SCHEDULES

SCHEDULE 2

Sections 23 and 59.

AMENDMENT OF ENACTMENTS

The Jurors (Scotland) Act 1825 (c.22)

1 In section 10 (order in which names of jurors are to be taken for civil proceedings) for the words "in the said jury books" and "general jury book" there shall be substituted respectively the words " of potential jurors " and " lists ".

The Juries (Scotland) Act 1826 (c.8)

2 In section 4 (names of dead and disqualified jurors not to be included in returns of jurors) for the words "said general jury book", in both places where these occur, there shall be substituted the words " list of potential jurors ".

Lyon King of Arms Act 1867 (c.17)

3 In section 10 the words from "Provided also" to the end of the section shall cease to have effect.

Titles to Land Consolidation (Scotland) Act 1868 (c.101)

4 In section 159 (litigiosity not to begin before date of registration in Register of Inhibitions and Adjudications of notice of summons) after the word "summons", where thirdly occurring, there shall be inserted the words " and contain a description of the lands to which the summons relates ".

5 In Schedule RR (form of notice of summons) after the word "*signeting*]" there shall be inserted the words " The summons relates to [*Einsert description of lands*]. ".

Conveyancing (Scotland) Act 1924 (c.27)

6 In section 44 (limitation of effect of entries in Register of Inhibitions)—

(a) in subsection (2)(a)—

(i) after the words "unless and until" there shall be inserted "—

(i)";

and

(ii) at the end there shall be inserted—

"; or

(ii) a notice of an application under section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 has been registered in the said register.".

(b) in subsection (3)(a) for the words "and notices of litigiosity" there shal11 be substituted the words " , notices of litigiosity and notices of applications

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under section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 ".

7 Section 46 shall be renumbered as subsection (1) thereof and after that subsection there shall be inserted the following subsection—

"(2) This section shall apply to the rectification of a document by an order under section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 as it applies to the reduction of a deed but with the substitution of any reference to the decree of reduction of the deed with a reference to the order rectifying the document.".

8 . . . . . F1

Textual Amendments

F1 Sch. 2 para. 8 repealed (S.) by Court of Session Act 1988 (c. 36, SIF 36:1), s. 52(2), **Sch. 2 Pt. I** (and re-enacted as referred to in Sch. 2 Pt. II of that Act)

The Social Work (Scotland) Act 1968 (c.49)

9 In section 21(2) (mode of provision of accommodation and maintenanqce of child in care of local authority) for the words "the last foregoing section" there shall be substituted the words " section 20 of this Act ".

10 In section 58B(3) for the word "child's" there shall be substituted the word " children's ".

The Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)

11 In section 41 (restriction on effect of reduction of certain discharges of securities) at the end there shall be inserted the following subsection—

"(5) This section shall apply to an order under section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 rectifying a discharge as it applies to a decree of reduction of a discharge."

Sheriff Courts (Scotland) Act 1971 (c.58)

F2 12 . . . . . .

Textual Amendments

F2 Sch. 2 para. 12 repealed (28.11.2016) by The Courts Reform (Scotland) Act 2014 (Relevant Officer and Consequential Provisions) Order 2016 (S.S.I. 2016/387), art. 1, **sch. 1 para. 1(d)** (with art. 4(1))

13 In section 33(4) (appointment of secretary of Sheriff Court Rules Council) the words "whole-time sheriff clerk as" shall cease to have effect.

14 In section 35 (summary causes) after subsection (1) there shall be inserted the following subsection—

"(1A) For the avoidance of doubt [it is hereby declared that nothing in subsection (1) above shall prevent the Court of Session from making

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different rules of procedure and practice in relation to different descriptions of summary cause proceedings.”.

Administration of Justice (Scotland) Act 1972 (c.59)

15 In subsection (2) of section 1 (extended power of court to order inspection of documents and other property etc.) after the words “subsection (1)” there shall be inserted the words “ or (1A) ”.

The Criminal Procedure (Scotland) Act 1975 (c. 21)

[F3]16 . . . . . .

Textual Amendments

F3 Sch. 2 para. 16 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras 1, 3)

[F4]17 . . . . . .

Textual Amendments

F4 Sch. 2 para. 17 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras 1, 3)

[F5]18 . . . . . .

Textual Amendments

F5 Sch. 2 para. 18 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras 1, 3)

[F6]19 . . . . . .

Textual Amendments

F6 Sch. 2 para. 19 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras 1, 3)

[F7]20 . . . . . .

Textual Amendments

F7 Sch. 2 para. 20 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras 1, 3)

The Land Registration (Scotland) Act 1979 (c.33)

21 In section 9 (rectification of the register)—

(a) at the end of subsection (3)(b) there shall be added the words—

“or the rectification is consequential on the making of an order under section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985.”.

(b) after subsection (3) there shall be inserted the following subsection—

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"(3A) Where a rectification of an entry in the register is consequential on the making of an order under section 8 of the said Act of 1985, the entry shall have effect as rectified as from the date when the entry was made:

Provided that the court, for the purpose of protecting the interests of a person to whom section 9 of that Act applies, may order that the rectification shall have effect as from such later date as it may specify.".

22 At the end of section 12(3) (exclusion of indemnity) there shall be added the following paragraph—

"(p) the loss arises from a rectification of the register consequential on the making of an order under section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985.".

The Criminal Justice (Scotland) Act 1980 (c. 62)

[F8]23 . . . . . .

Textual Amendments

F8 Sch. 2 para. 23 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch.5** (with Sch. 3 paras 1, 3)

Civil Jurisdiction and Judgements Act 1982 (c. 27)

24 In section 28 (application of section 1 of the Administration of Justice (Scotland) Act 1972) after "1972" there shall be inserted the words " as amended by the Law Reform (Miscellaneous Provisions) Act 1985 ".

The Cinematograph (Amendment) Act 1982 (c. 33)

25 The entry in Schedule 2 relating to paragraph 4 of Schedule 7D to the Criminal Procedure (Scotland) Act 1975 shall be treated as never having been enacted.

26, 27. . . . . [F9]

Textual Amendments

F9 Sch. 3 para. 2 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras. 1, **2**

The Rent (Scotland) Act 1984 (c.58)

28 In section 56(2) (registration of housing association and Housing Corporation rents), after the word "Sections", where first occurring, there shall be inserted the words " 22 to 27, ".

29 In subsection (5) of section 106 (compulsory entry to carry out works on substandard houses), for the words from "has" where first occurring, to the end there shall be substituted the words " and "tolerable standard' have the meaning respectively assigned to them by section 49(3) of the said Act of 1974 ".

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30 In Schedule 9 (savings and transitional provisions), at the end, there shall be inserted the following paragraph—

"7 The amendments to this Act made by Schedule 2 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 shall be deemed to have had effect from the commencement of this Act.".

The Family Law (Scotland) Act 1985 (c. 37)

31 In section 27(1) (interpretation) in the defintion of "matrimonial home" there shall be added at the end the words " as amended by section 13(10) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 ".

The Representation of the People Act 1985 (c. 50)

32 In Schedule 4, in paragraph 61(b) (amendments of the Representation of the People Act 1983 relating to time limit for prosecutions) after the word "without" there shall be inserted the word " undue ".

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 8(5A) inserted by 2007 asp 3 s. 48(3)