
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 412

**Act of Sederunt (Rules of the Court of Session
Amendment No. 7) (Pension Sharing on Divorce etc.) 2000**

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No. 7) (Pension Sharing on Divorce etc.) 2000 and shall come into force on 1st December 2000.

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

Amendment of the Rules of the Court of Session

2.—(1) The Rules of the Court of Session 1994(1) shall be amended in accordance with the following sub-paragraphs.

(2) In rule 49.8 (warrants for intimation in family actions)—

(a) in paragraph (1), for sub-paragraph (l) there shall be substituted—“???”

(l) in an action where the pursuer makes an application for an order under—

(i) section 8(1)(ba) of the Act of 1985 (orders under s.12A of the Act of 1985 for pension lump sum), or

(ii) section 8(1)(baa) of that Act (pension sharing orders),

to the person responsible for the pension arrangement, in the following terms “Warrant to intimate to (*name and address*) as the person responsible for the pension arrangement in respect of which an order is sought in the (*number*) conclusion of this summons.”;

(b) in paragraph (3), for sub-paragraph (m) there shall be substituted—“???”

(m) under—

(i) paragraph (1)(l)(i) (orders for pension lump sums), in Form 49.8-M; and

(ii) paragraph (1)(l)(ii) (pension sharing orders), in Form 49.8-MA.

(3) In rule 49.49 (applications relating to orders for financial provision), in paragraph (3)(b) for “trustees or managers” there shall be substituted “person responsible for the pension arrangement”.

(4) In rule 49.53 (applications for financial provision after overseas divorce or annulment), in paragraph (4)(b) for “trustees or managers” there shall be substituted “person responsible for the pension arrangement”.

(5) In the Appendix—

(a) in Form 49.8-M—

(i) in the heading, for “trustees or managers of” there shall be substituted “person responsible for”; and

(1) S.I.1994/1443 as amended. The relevant amendments are the insertion by S.I. 1996/1756, paragraph 2, of rules 49.8(1)(l) and (3)(m), 49.49(3) and 49.53(4) and of Form 49.8-M in the Appendix.

Status: This is the original version (as it was originally made).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

- (ii) for “scheme”, in each place where it appears, there shall be substituted “arrangement”; and
- (b) after Form 49.8-M there shall be inserted as Form 49.8-MA the form in the Schedule to this Act of Sederunt.

Edinburgh
16th November 2000

Rodger of Earlsferry
Lord President I.P.D.