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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 7**

**Act of Sederunt (Amendment of Ordinary Cause Rules and Summary Applications, Statutory Applications and Appeals etc. Rules) (Applications under the Mortgage Rights (Scotland) Act 2001) 2002**

**Amendment of the Summary Applications Rules**

**3.—(1)** The Summary Applications Rules shall be amended in accordance with the following paragraphs.

(2) In rule 2.7 (warrants, forms and certificate of citation)—

- (a) in paragraph (4)(a), for “paragraph (5)” substitute “paragraphs (5) and (7A)(a)”;
- (b) in paragraph (4)(b), for “paragraph (7)” substitute “paragraphs (7) and (7A)(b),”; and
- (c) after paragraph (7) insert—

“(7A) In a summary application falling within section 1(1)(b) or (c) of the Mortgage Rights (Scotland) Act 2001—

- (a) the warrant of citation shall be in Form 6A; and
- (b) citation shall be in Form 6B which shall be attached to a copy of the initial writ and warrant of citation.”.

(3) After rule 2.22 (applications for time to pay directions), insert—

**“Applications under the Mortgage Rights (Scotland) Act 2001**

**2.22A.—(1)** This rule applies to a summary application to which rule 2.7(7A) applies.

(2) Subject to paragraph (3), an application under either of the following provisions of the Mortgage Rights (Scotland) Act 2001 shall be made by minute in the summary application:—

- (a) section 1(2) (application to the court for an order under section 2);
- (b) section 2(5) (application to vary or revoke an order or to further continue proceedings).

(3) A defender may apply orally for an order under section 2 when the summary application first calls in court or as the sheriff otherwise directs.

(4) A minute under paragraph (2) may be lodged by a person who is entitled to make an application even although that person has not been called as a defender and such a person may appear or be represented at any hearing to determine the application made in the minute.

(5) Except where the sheriff otherwise directs, any such minute shall be lodged in accordance with, and regulated by, Chapter 14 of the Ordinary Cause Rules.”.

(4) In Schedule 1 (forms)—

- (a) after Form 6 insert Forms 6A and 6B; and
- (b) for Form 7 substitute Form 7,

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**Status:** This is the original version (as it was originally made).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

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set out in Schedule 2 to this Act of Sederunt.