
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 26

Act of Sederunt (Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Miscellaneous) 2003

Amendment of Summary Application Rules

3.—(1) The Summary Application Rules shall be amended in accordance with paragraphs (3) to (5).

(2) Any reference in this article to a rule means the rule so numbered in the Summary Application Rules.

(3) In rule 2.11 (service within Scotland by sheriff officer), insert at the end—

“(5) Where the firm which employs the sheriff officer has in its possession—

(a) the document or a copy of it certified as correct by the pursuer’s solicitor, the sheriff officer may serve the writ upon the defender without having the document or certified copy in his possession, in which case he shall if required to do so by the person on whom service is executed and within a reasonable time of being so required, show the document or certified copy to the person; or

(b) a certified copy of the interlocutor pronounced allowing service of the document, the sheriff officer may serve the document without having in his possession the certified copy interlocutor if he has in his possession a facsimile copy of the certified copy interlocutor (which he shall show, if required, to the person on whom service is executed).”.

(4) In rule 2.12 (service on persons furth of Scotland)—

(a) after paragraph (1)(b), omit “or”; and

(b) at the end of paragraph (1)(c), insert— “; or

(d) in a country to which Council Regulation (EC) No. 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters⁽¹⁾ applies, service may be effected by the methods prescribed in paragraphs (1)(b)(ii) and (iii) only in exceptional circumstances.”.

(5) In rule 3.8.4 (duties of responsible medical officer), in paragraph (2) for “patent's” substitute “patient's”.