
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 601

**Act of Sederunt (Taking of Evidence
in the European Community) 2003**

Amendment of the Ordinary Cause Rules

4.—(1) The Ordinary Cause Rules are amended in accordance with paragraphs (2) to (4).

(2) In rule 28.14 (letters of request)—

(a) in paragraph (1), for “This” substitute “Subject to paragraph (7), this”; and

(b) after paragraph (6), insert—

“(7) This rule does not apply to any request for the taking of evidence under Council Regulation (EC) No. 1206/2001 of 28th May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.”.

(3) After rule 28.14 (letters of request), insert—

“Taking of evidence in the European Community

28.14A.—(1) This rule applies to any request—

(a) for the competent court of another Member State to take evidence under Article 1.1(a) of the Council Regulation; or

(b) that the court shall take evidence directly in another Member State under Article 1.1(b) of the Council Regulation.

(2) An application for a request under paragraph (1) shall be made by minute in Form G16, together with the proposed request in form A or I (as the case may be) in the Annex to the Council Regulation.

(3) In this rule, “the Council Regulation” means Council Regulation (EC) No. 1206/2001 of 28th May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.”.

(4) In Appendix 1, for Form G16 substitute the Form in Schedule 1.