

SCHEDULE

PART 1

JURISDICTION

Please indicate with a tick (✓) in the appropriate box or boxes which of the following apply:

PART A

- | | | |
|-------|---|--------------------------|
| (i) | My spouse and I are habitually resident in Scotland | <input type="checkbox"/> |
| (ii) | My spouse and I were last habitually resident in Scotland, and one of us still resides there | <input type="checkbox"/> |
| (iii) | My spouse is habitually resident in Scotland | <input type="checkbox"/> |
| (iv) | I am habitually resident in Scotland having resided there for at least a year immediately before this application was made | <input type="checkbox"/> |
| (v) | I am habitually resident in Scotland having resided there for at least six months immediately before this application was made and am domiciled in Scotland | <input type="checkbox"/> |
| (vi) | My spouse and I are domiciled in Scotland | <input type="checkbox"/> |

Part B applies where the defender is not a national of a Contracting State (other than the UK or Ireland) or domiciled in Ireland

PART B

- | | | |
|-------|---|--------------------------|
| (i) | I consider myself to be domiciled in Scotland | <input type="checkbox"/> |
| (ii) | My spouse considers himself or herself to be domiciled in Scotland | <input type="checkbox"/> |
| (iii) | No court of a Contracting State has jurisdiction under the Council Regulation | <input type="checkbox"/> |

PART C

- | | | |
|------|---|--------------------------|
| (i) | I have lived at the address shown above for at least 40 days immediately before the date I signed this application | <input type="checkbox"/> |
| (ii) | My spouse has lived at the address shown above for at least 40 days immediately before the date I signed this application | <input type="checkbox"/> |

Status: This is the original version (as it was originally made).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

PART 2

FORM 62.28 Form of petition for registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 or under Article 38, Article 57 or Article 58 of the Council Regulation

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

PETITION

of

[A.B.] (*designation and address*)

under the Civil Jurisdiction and Judgements Act 1982 [*or under Council Regulation (E.C.) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters*]

for registration of

a judgment [*or authentic instrument or court settlement*] [*of the (name of court)*]

dated the

day of

HUMBLY SHEWETH:—

1. That this petition is presented by (*name*) to register a judgment [*or authentic instrument or court settlement*] [*of the (name of court) of (date of judgement)*].
2. That in the cause in which the judgment [*or as the case may be*] was pronounced, A.B. was pursuer [*or defender or (as the case may be)*] and [C.D.] was defender [*or pursuer or as the case may be*].
3. That the petitioner is a party having an interest to enforce the judgment [*or as the case may be*] because (*state reasons*).
4. That this petition is supported by the affidavit of (*name of deponent*) and the documents produced with it.
5. That the petitioner seeks warrant to register the judgment [*or as the case may be*] [and for decree in terms thereof] [and for decree to be pronounced in the following or such other terms as to the court may seem proper:— (*state terms in which decree is to be pronounced in accordance with Scots law*)].
6. That the petitioner seeks the authority of the court to execute the protective measure[s] of (*state measures*), for the following reasons (*state reasons*).
7. That this petition is made under section 4 of, and Article 31 [*or 50*] of the Convention in Schedule 1 [*or 3C*] to, the Civil Jurisdiction and Judgments Act 1982 [*or under Article 38 [*or 57 or 58*] of Council Regulation (E.C.) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters*] and rule 62.28 of the Rules of the Court of Session 1994.

According to Justice etc.

(*signed*)

Petitioner

[*or Solicitor [*or Agent*] for Petitioner*]

(*Address of Solicitor or Agent*)

[*or counsel or other person having a right of audience*]

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FORM 62.33 Form of notice of decree and warrant for registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 or under Article 38, Article 57 or Article 58 of the Council Regulation

Rule 62.33

IN THE COURT OF SESSION

in the

PETITION

of

[A.B.] (*designation and address*)

under section 4 of the Civil Jurisdiction and Judgments Act 1982 [*or under Article 38 [or 57 or 58] of Council Regulation (E.C.) No. 22/2002 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters*]

Date: (*date of posting or other method of service*)

To: (*name of person against whom judgment was given and decree and warrant granted*)

TAKE NOTICE

That an interlocutor dated the _____ day of _____, a certified copy of which is attached was pronounced at the Court of Session granting decree and warrant for registration of the judgment [*or as the case may be*] [of the (*name of court*) dated the _____ day of _____, for (*state briefly the terms of the judgment*)].

You have the right to appeal to a Lord Ordinary in the Outer House of the Court of Session, Parliament Square, Edinburgh EH1 1RQ against the interlocutor granting decree and warrant for registration within one month [*or two months as the case may be*] after the date of service of this notice upon you. The date of service is the date stated at the top of this notice unless service has been executed by post in which case the date of service is the day after that date.

An appeal must be by motion enrolled in the process of the petition.

The registered judgment and decree of the Court of Session may not be enforced in Scotland until the expiry of the period within which you may appeal and any appeal has been disposed of.

Intimation of an appeal should be made to the petitioner, [A.B.], at the following address for service in Scotland:– (*address*)

(Signed)

Messenger-at-Arms

[*or Petitioner [or Solicitor [or Agent] for Petitioner*]]
(*Address*)