
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 523

**Act of Sederunt (Sheriff Court European
Enforcement Order Rules) 2005**

Certification of decree in absence or decree by default

3.—(1) An application for certification under Article 6(1) (judgment on uncontested claim) or Article 8 (partial European Enforcement Order) of the Regulation shall be accompanied by an affidavit—

- (a) verifying that the judgment was of an uncontested claim within the meaning of Article 3(1)(b) or (c) of the Regulation and the court proceedings met the requirements set out in Chapter III of the Regulation;
- (b) providing the information required by the form of certificate in Annex I to the Regulation (European Enforcement Order – judgment);
- (c) verifying that the judgment is enforceable in Scotland and does not conflict with the rules of jurisdiction laid down in sections 3 and 6 of Chapter II of Council Regulation (EC) No. 44/2001; and
- (d) stating that where the debtor was a consumer and the judgment related to a contract concluded by the debtor for a purpose outside his trade or profession the judgment was given in the Member State of the debtor's domicile within the meaning of Article 59 of Council Regulation (EC) No. 44/2001,

and an execution of service of the judgment under sub-paragraph (3).

(2) Before an application is made under Article 6(1) (application for certificate as European Enforcement Order) or Article 8 (partial European Enforcement Order certificate) of the Regulation, the party wishing to enforce the judgment shall serve the judgment on all parties against whom the judgment has been given in accordance with the requirements of Article 13 (service with proof of receipt by the debtor) or Article 14 (service without proof of receipt by the debtor) of the Regulation accompanied by a notice in Form 1.

(3) An execution of service of the judgment shall be in Form 2 unless a form of execution of service is provided by a person effecting service in another Member State.

(4) A certificate under Article 9(1) of the Regulation (European Enforcement Order certificate) shall be signed by the sheriff clerk.