
EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes miscellaneous amendments to the rules of procedure in the sheriff court. It amends the Ordinary Cause Rules, the Summary Applications, Statutory Applications and Appeals etc. Rules, the Summary Cause Rules and the Small Claim Rules.

Amendments are made to the forms of notice or order in optional procedure for the recovery of documents in each of the Ordinary Cause Rules, Summary Cause Rules and Small Claims Rules (Forms G11, 24 and 15, respectively) by the addition of a note regarding expenses recoverable for any necessary outlays incurred by havers.

In addition—

- (a) the Ordinary Cause Rules are amended by—
 - (i) the substitution of Form 26 with the revised Form F26 set out in Schedule 2; and
 - (ii) the substitution of an incorrect reference in rule 33.93 with the correct reference to section 52 of the Children (Scotland) Act 1995;
- (b) the Summary Application Rules are amended by—
 - (i) the deletion of rule 3.9.9(2)(a) imposing a time limit of 21 days after service for lodging a note to vary or recall a restraint order; and
 - (ii) renumbering rules 3.25.1 to 3.25.6 of Part XXVI of Chapter 3 of those Rules as rules 3.26.1 to 3.26.6; and
- (c) Rule 21.6(1) of the Small Claims Rules is amended to correspond with the exception contained in section 36B of the Sheriff Courts (Scotland) Act 1971.