
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 365

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 2) 2008**

Specification of Documents

5.—(1) The Summary Cause Rules are amended in accordance with the following subparagraphs.

(2) For paragraph (6) of rule 34.2 (form of summons) substitute—

“(6) Where a summons includes a specification of documents in accordance with paragraph (5)(b) it shall be intimated to—

(a) in respect of an application under section 1(1) of the Administration of Justice (Scotland) Act 1972⁽¹⁾, any third party haver; and

(b) where necessary—

(i) the Advocate General for Scotland (in a case where the document or other property sought is in the possession of either a public authority exercising functions in relation to reserved matters within the meaning of Schedule 5 to the Scotland Act 1998, or a cross-border public authority within the meaning of section 88(5) of that Act); or

(ii) the Lord Advocate (in any other case)

and, if there is any doubt, both.”.

(3) For Form 10e in Appendix 1, substitute Form 10e set out in the Schedule to this Act of Sederunt.