
EXPLANATORY NOTE

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

This Act of Sederunt makes miscellaneous amendments to the Ordinary Cause Rules, the Summary Application Rules, the Summary Cause Rules and the Small Claim Rules.

Paragraphs 2 to 5 introduce new rules to regulate the provision of lay support to party litigants in the conduct of proceedings. The rules apply to ordinary cause procedure, summary application procedure, summary cause procedure and small claim procedure.

Paragraph 6 makes minor amendments to Ordinary Cause Rule 30.5.

Paragraph 7 amends the Ordinary Cause Rules in respect of intimation to local authorities in family and civil partnership actions where a residence order is sought. The effect of the amendments is to provide that the sheriff has discretion about when an order for intimation is made to a local authority. The requirement for a local authority to prepare a report on receiving such intimation is removed.

Paragraph 8 inserts a new Part XVI and rule 33.96 into Chapter 33 of the Ordinary Cause Rules (family actions), relating to the procedure to be followed in actions for declarator or recognition, or non-recognition, of a decree of divorce, nullity or separation granted outwith a member state of the European Union.

Paragraph 8(3) amends the definition of “family action” in rule 33.1 so as to include such actions.

Paragraphs 8(2) and (4) to (6) make consequential amendments to rules relating to reponing, evidence in undefended actions, late appearance and application for recall by defenders and decree by default.

Paragraph 9 amends the summary application rules in consequence of the amendments made to the Licensing (Scotland) Act 2005 and the Antisocial Behaviour etc. (Scotland) Act 2004 by the Criminal Justice and Licensing (Scotland) Act 2010. Paragraph 9(4) contains transitional provisions.