

2012 No. 221

SHERIFF COURT

**Act of Sederunt (Sheriff Court Rules) (Miscellaneous
Amendments) (No. 2) 2012**

Made - - - - *12th July 2012*

Laid before the Scottish Parliament *13th July 2012*

Coming into force in accordance with paragraph 1(1) and (2)

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(a) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) (No. 2) 2012 and subject to subparagraph (2), comes into force on 31st July 2012.

(2) Subject to paragraph 4, paragraph 3 comes into force on 1st August 2012.

(3) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Family actions: financial information

2.—(1) The Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) 2012(b) is amended in accordance with the following subparagraph.

(2) In paragraph 4 (family actions: financial information)—

(a) in subparagraph (3)(a) in the inserted paragraph (4) omit “, (iii) or (c)(i)”;

(b) in subparagraph (5)(a) in the inserted paragraph (4) omit “, (iii) or (c)(i)”.

(a) 1971 c.58. Section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), Schedule 2, paragraph 12; the Civil Evidence (Scotland) Act 1988 (c.32), section 2(4); the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 18(2); the Adults with Incapacity (Scotland) Act 2000 (asp 4) (the “2000 asp”), schedule 5, paragraph 13; the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43; the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(2); the Consumer Credit Act 2006 (c.14), section 16(4); the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (the “2007 asp”) section 33; and the Legal Services (Scotland) Act 2010 (asp 16) section 127(a). Section 32 is amended prospectively by the 2007 asp, schedule 5, paragraph 10; and the Children’s Hearings (Scotland) Act 2011 (asp 1), section 185. Section 32 was extended by the Debtors (Scotland) Act 1987 (c.18), section 97; the Child Support Act 1991 (c.48), sections 39(2) and 49; and section 2(4) of the 2000 asp.

(b) S.S.I. 2012/188.

Amendment of the Ordinary Cause Rules

3.—(1) The Ordinary Cause Rules in Schedule 1 to the Sheriff Courts (Scotland) Act 1907(**a**) are amended in accordance with the following subparagraph.

(2) In rule 33.7(1)(a)(i) (warrants and forms for intimation)(**b**) omit “between the parties”.

Transitional and saving

4. Paragraph 3 shall have effect only in respect of actions raised on or after 1st August 2012.

BRIAN GILL
Lord President
I.P.D.

Edinburgh
12th July 2012

(a) 1907 c.51. Schedule 1 was substituted by S.I. 1993/1956 and amended by S.I. 1996/2167 and 2445; S.S.I. 2000/239 and 408; 2001/8 and 144; 2002/7, 128 and 560; 2003/25, 26 and 601; 2004/197 and 350; 2005/20, 189, 638 and 648; 2006/198, 207, 293, 410 and 509; 2007/6, 339, 440 and 463; 2008/121, 223 and 365; 2009/107, 164, 284, 285, 294 and 402; 2010/120, 279, 324, 340 and 416; 2011/193, 289 and 386; and 2012/188.

(b) Rule 33.7 was last amended by S.S.I. 2012/188.

EXPLANATORY NOTE

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

Paragraph 4 of the Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) 2012 (“SSI 2012/188”) amends the Ordinary Cause Rules in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 to provide that new Form F13A must be completed by parties to family actions to provide certain financial information where particular orders are sought. Corresponding provision is made in respect of civil partnership actions.

Paragraph 4(3)(a) of SSI 2012/188 amends Ordinary Cause Rule 33.34 to insert a new rule to the effect that in a family action, a defender has to lodge a completed Form 13A where such defender opposes a crave for an order for financial provision or makes certain claims. Corresponding provision is made in paragraph 4(5)(a) in respect of civil partnership actions.

It has subsequently been determined that the scope of the proposed new rules is incorrect. Paragraph 2 of this instrument therefore makes the necessary amendments to SSI 2012/188.

SSI 2012/188 is to come into effect on 1st August 2012. Paragraph 2 of this Act of Sederunt comes into force on 31st July 2012, with the effect that the scope of the new rules is correct when SSI 2012/188 comes into force.

Paragraph 3 of this Act of Sederunt amends rule 33.7(1)(a) of the Ordinary Cause Rules in consequence of the changes made to that rule by paragraph 5(4)(a) of SSI 2012/188. Subject to a transitional and saving provision in paragraph 4, paragraph 3 comes into force on 1st August 2012.

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