
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 135

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) 2013**

Enforcement of Securities over Heritable Property

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

(2) In rule 2.7 (warrants, forms and certificate of citation)(**1**)—

- (a) in paragraph (4)(a) for “(7A)(a)” substitute “(7ZA)(a)”;
- (b) in paragraph (4)(b) for “(7A)(b)” substitute “(7ZA)(b)”;
- (c) after paragraph (7), insert—

“(7ZA) In an application for enforcement of security over residential property within the meaning of Part IV of Chapter 3(**2**)—

- (a) the warrant of citation will be in Form 6ZA;
- (b) citation will be in Form 6ZB which is to be attached to a copy of the initial writ, Form 11C and warrant of citation.”.

(3) After rule 3.4.8(4) (Recall of decree)(**3**) insert—

“(4A) Where service or intimation under this rule is to be made to a party represented in the cause by a solicitor, a notice sent to such party’s solicitor shall be held to be notice to the party.”.

(4) In Schedule 1 (forms)—

- (a) after Form 6 (Form of citation where time to pay direction or time order may be applied for etc.)(**4**) insert Forms 6ZA and 6ZB set out in Schedule 1 to this Act of Sederunt;
- (b) in Form 7 (Form of certificate of citation)(**5**) before the signing provisions insert—

“(In applications for enforcement of security over residential property within the meaning of Part IV of Chapter 3, state whether Forms 6ZA, 6ZB and 11C were provided in accordance with rule 2.7(7ZA))”;

- (c) in Form 11C (Form of certificate of completion of pre-action requirements)(**6**) in Schedule 1 (forms), at the first paragraph numbered “3”, which starts “The pursuer has made reasonable efforts”, for the number “3” substitute “2”.

(1) Rule 2.7 was last amended by [S.S.I. 2010/324](#).
(2) Part IV of Chapter 3 was substituted by [S.S.I. 2010/324](#).
(3) Rule 3.4.8(4) was inserted by [S.S.I. 2010/324](#).
(4) Form 6 was last amended by [S.S.I. 2007/6](#).
(5) Form 7 was last amended by [S.S.I. 2010/324](#).
(6) Form 11C was inserted by [S.S.I. 2010/324](#).