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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 171**

**Act of Sederunt (Sheriff Court Rules)  
(Miscellaneous Amendments) (No. 3) 2013**

**Adults with incapacity**

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

(2) For rule 3.16.4(1) (service of application)(1) substitute—

“**3.16.4.—**(1) Service of the application or other proceedings and subsequent proceedings, including proceedings for renewal of guardianship orders, shall be made in Form 20 on —

- (a) the adult;
- (b) the nearest relative of the adult;
- (c) the primary carer of the adult (if any);
- (d) the named person of the adult (if any);
- (e) any guardian, continuing attorney or welfare attorney of the adult who has any power relating to the application or proceedings;
- (f) the Public Guardian;
- (g) where appropriate, the Mental Welfare Commission;
- (h) where appropriate, the local authority;
- (i) where a guardianship order has been made under section 57(2)(c) or section 58(1A) of the Criminal Procedure (Scotland) Act 1995, to the Lord Advocate and, where the order was made by—
  - (i) the High Court of Justiciary, to the Clerk of Justiciary; or
  - (ii) a sheriff, to the sheriff clerk of the Sheriff Court in which the order was made;
- (j) any other person directed by the sheriff.”

(3) The heading of rule 3.16.4 becomes “Service of application and renewal proceedings”.

(4) Rule 3.16.8(5)(2) is omitted.

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(1) Rule 3.16.4 was amended by [S.S.I. 2002/146](#) and [2008/111](#).

(2) Rule 3.16.8(5) was inserted by [S.S.I. 2008/111](#)