
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 283

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 3) (Miscellaneous) 2015

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 3) (Miscellaneous) 2015.

(2) Subject to subparagraph (3), it comes into force on 7th August 2015.

(3) Paragraphs 2 to 6 come into force on 1st September 2015.

(4) A certified copy is to be inserted into the Books of Sederunt.

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994(1) are amended in accordance with this paragraph.

(2) In Form 35A.2 (form of child witness notice)(2), in paragraph 3 for “sixteen” substitute “eighteen”.

Amendment of the Ordinary Cause Rules 1993

3.—(1) The Ordinary Cause Rules 1993(3) are amended in accordance with this paragraph.

(2) In Form G19 (form of child witness notice)(4), in paragraph 3 for “sixteen” substitute “eighteen”.

Amendment of the Act of Sederunt (Child Care and Maintenance Rules) 1997

4.—(1) The Act of Sederunt (Child Care and Maintenance Rules) 1997(5) is amended in accordance with this paragraph.

(2) In Form 75 (child witness notice: Vulnerable Witnesses (Scotland) Act 2004 section 12)(6), in paragraph 3 for “sixteen” substitute “eighteen”.

Amendment of the Summary Cause Rules 2002

5.—(1) The Summary Cause Rules 2002(7) are amended in accordance with this paragraph.

(1) The Rules of the Court of Session 1994 are in Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2015/119 and prospectively amended by S.S.I. 2015/227, 228 and 246).

(2) Form 35A.2 was inserted by S.S.I. 2007/450.

(3) The Ordinary Cause Rules 1993 are in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c.51). Schedule 1 was substituted by S.I. 1993/1956 last amended by S.S.I. 2015/176 and is prospectively amended by S.S.I. 2015/227.

(4) Form G19 was inserted by S.S.I. 2007/463.

(5) S.S.I. 1997/291, last amended by S.S.I. 2014/201.

(6) Form 75 was inserted by S.S.I. 2005/190 and amended by S.S.I. 2013/172.

(7) The Summary Cause Rules 2002 are in Schedule 1 to the Act of Sederunt (Summary Cause Rules) 2002 (S.S.I. 2002/132, last amended by S.S.I. 2014/291 and is prospectively amended by S.S.I. 2015/227).

(2) In Form 26B (form of child witness notice)(8), in paragraph 3 for “sixteen” substitute “eighteen”.

Amendment of the Small Claim Rules 2002

6.—(1) The Small Claim Rules 2002(9) are amended in accordance with this paragraph.

(2) In Form 16B (form of child witness notice)(10), in paragraph 3 for “sixteen” substitute “eighteen”.

Amendment of the Summary Application Rules

7.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(11) is amended in accordance with this paragraph.

(2) In Chapter 3, after Part XLV (mutual recognition of protection measures in civil matters)(12), insert—

“PART XLVI

COUNTER-TERRORISM AND SECURITY ACT 2015

Interpretation

3.46.1. In this Part “Schedule 1” means Schedule 1 to the Counter-Terrorism and Security Act 2015(13).

Applications for extended detention of travel documents

3.46.2.—(1) An application to the sheriff for an order under paragraph 8(1) of Schedule 1 (extension of 14-day period by judicial authority) is to be in Form 69.

(1A) Where an applicant seeks an order under paragraph 10(1) of Schedule 1 (order that specified information be withheld), the application for that order is to be included in Form 69.

(2) On receipt of an application, the sheriff is to fix a date for the determination of the application.

(3) The applicant must intimate the application to the person to whom it relates—

- (a) in Form 70, which is to be accompanied by a copy of the application; and
- (b) within the timescale and by the method specified by the sheriff.

(4) Where—

- (a) at any time before intimation of an application, the sheriff grants an order under paragraph 10 of Schedule 1 (order that specified information be withheld); and
- (b) the information to which the order relates includes information contained in the application,

the sheriff may order intimation of the application under deletion of that information.

(8) Form 26B was inserted by [S.S.I. 2007/463](#).

(9) The Small Claim Rules 2002 are in Schedule 1 to the Act of Sederunt (Small Claim Rules) 2002 ([S.S.I. 2002/133](#), last amended by [S.S.I. 2014/291](#)).

(10) Form 16B was inserted by [S.S.I. 2007/463](#).

(11) [S.I. 1999/929](#), last amended by [S.S.I. 2015/85](#).

(12) Part XLV was inserted by [S.S.I. 2014/371](#).

(13) [2015 c.6](#).

Further applications for extended detention of travel documents

3.46.3. A further application under paragraph 8(1) of Schedule 1, by virtue of paragraph 12(1), is to be made by minute in the process relating to the extension of the 14-day period.”.

(3) In the Appendix, after Form 68 (form of certificate of sending of document to chief constable)(**14**), insert the forms set out in Schedule 1 to this Act of Sederunt.

Amendment of the Act of Sederunt (Debt Arrangement and Attachment (Scotland) Act 2002) 2002

8.—(1) The Act of Sederunt (Debt Arrangement and Attachment (Scotland) Act 2002) 2002(**15**) is amended in accordance with this paragraph.

(2) In article 3(2) (summary warrants), in paragraph 2, for “form A or B” substitute “form A, B or C”.

(3) In Schedule 2 (forms of summary warrant)—

(a) in the Table, after the entry for Form B—

(i) under “Form No.” insert “C”;

(ii) under “Description” insert “Warrant under section 225(5) of the Revenue Scotland and Tax Powers Act 2014”;

(iii) under “Rule No.” insert “3(2)”;

(b) after Form B (summary warrant under section 128(6) of the Finance Act 2008 for the recovery of sums payable to the Commissioners for Her Majesty’s Revenue and Customs)(**16**), insert the form set out in Schedule 2 to this Act of Sederunt.

Edinburgh
7th July 2015

CJM SUTHERLAND
Lord Justice Clerk
I.P.D.

(14) Form 68 was inserted by [S.S.I. 2014/371](#).

(15) [S.S.I. 2002/560](#), last amended by [S.S.I. 2009/403](#).

(16) Form B was substituted by [S.S.I. 2009/403](#).