
EXPLANATORY NOTE

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

This Act of Sederunt amends the Ordinary Cause Rules 1993 and the Summary Cause Rules 2002 to set out the procedure for applying for an order under section 87 (power of sheriff to order sheriff clerk to execute deed relating to heritage) of the Courts Reform (Scotland) Act 2014 (“the 2014 Act”). Section 87 provides that where an action relating to heritable property is before a sheriff or it appears to a sheriff that it is necessary to make an order to implement a decree of a sheriff relating to heritable property, the sheriff may make an order which dispenses with the need for the grantor to execute the deed and directs the sheriff clerk to execute the deed. The effect of execution by the sheriff clerk is that the deed is taken to have the same effect as it would have if it had been executed by the grantor. Actions of this type are normally brought because the grantor (being the person who is under an obligation to execute the deed) of any deed cannot be found or refuses or is unable or otherwise fails to execute the deed.

This Act of Sederunt also makes a minor amendment to rule 36.L1 of the Ordinary Cause Rules to correct errors in the paragraph numbers referred to in that rule.

This Act of Sederunt also amends the Rules of the Court of Session 1994 to set out the procedure which will apply when a person who is the subject of an order under section 100 (vexatious litigation orders) of the Courts Reform (Scotland) Act 2014 seeks permission to either institute civil proceedings or take a specified step in specified ongoing civil proceedings.

Paragraph 5 corrects numbering errors in the Act of Sederunt (Sheriff Court Rules Amendment) (Personal Injury Pre-Action Protocol) 2016.