
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 367

**Act of Sederunt (Sheriff Court Rules
Amendment) (Miscellaneous) 2016**

Amendment of the Act of Sederunt (Simple Procedure) 2016

5.—(1) The Act of Sederunt (Simple Procedure) 2016 is amended in accordance with this paragraph.

(2) In paragraph 3(1) (interpretation of the Simple Procedure Rules), after the definition of “trading name” insert—

““trainee solicitor” means a person who is training to be a solicitor and is supervised by a solicitor in accordance with regulations made by the Council of the Law Society of Scotland under section 5 of the Solicitors (Scotland) Act 1980(1);”.

(3) In schedule 1 (the Simple Procedure Rules)—

(a) in rule 2.2(2), after “solicitor” insert “, trainee solicitor”;

(b) in rule 15.3—

(i) for paragraph (2) substitute—

“(2) Before enforcing a decision for payment of a sum of money, the successful party must formally serve a Charge on the other party by sheriff officer using one of the methods of formal service mentioned in rule 18.3.”;

(ii) after paragraph (5) insert—

“(6) The requirement to formally serve by sheriff officer is subject to the exceptions in sections 2 and 3 of the Execution of Diligence (Scotland) Act 1926(2).”.

(c) in rule 15.4(2), after “serve it” insert “by sheriff officer”; and

(d) after rule 20.8(3), insert—

“(4) The requirement to formally serve by sheriff officer is subject to the exceptions in sections 2 and 3 of the Execution of Diligence (Scotland) Act 1926.”.

(1) The Council of the Law Society of Scotland was continued in being by section 3 of the Solicitors (Scotland) Act 1980 (c. 46).
(2) 1926 c. 16. Section 2 was last amended by the Postal Services Act 2011 (c. 5), Schedule 12, paragraph 76. Section 3 was amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), schedule 5, paragraph 7(3)(b).