

Status: Point in time view as at 18/08/2006.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}FIRST SCHEDULE

ORDINARY CAUSE RULES 1993

Textual Amendments

- F1** Sch. 1 (with appendices 1 and 2) substituted (1.1.1994) for Sch. 1 (with appendix) by [S.I. 1993/1956](#), para. 2, [Sch.1](#).
Sch. 1 (except rule 29.10) excluded (1.4.1997) by [S.I. 1997/291](#), [rule 3.24](#), Sch. 3
Sch. 1 extended (14.2.2000) by [S.I. 2000/124](#), [reg. 30\(5\)](#)

[^{F1}SPECIAL PROVISIONS IN RELATION TO PARTICULAR CAUSES]

CHAPTER 33

FAMILY ACTIONS

PART VIII

ACTIONS OF ALIMENT

Interpretation of this Part

- 33.56. In this Part, “action of aliment” means a claim for aliment under section 2(1) of the Act of 1985.

Undefended actions of aliment

- 33.57. (1) Where a motion for decree in absence under Chapter 7 (undefended causes) is lodged in an action of aliment, the pursuer shall, on lodging the motion, lodge all documentary evidence of the means of the parties available to him in support of the amount of aliment sought.

- (2) Where the sheriff requires the appearance of parties, the sheriff clerk shall fix a hearing.

Applications relating to aliment

- 33.58. (1) An application for, or for variation of, an order for interim aliment in a depending action of aliment shall be made by motion.

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- (2) An application after final decree for the variation or recall of an order for aliment in an action of aliment shall be made by minute in the process of the action to which the application relates.
- (3) A person—
- (a) to whom an obligation of aliment is owed under section 1 of the ^{M1}Act of 1985,
 - (b) in whose favour an order for aliment while under the age of 18 years was made in an action of aliment, or
 - (c) who seeks, after attaining that age, an order for aliment against the person in that action against whom the order for aliment in his favour was made,
- shall apply by minute in the process of that action.
- (4) An application for interim aliment pending the determination of an application under paragraph (2) or (3) shall be made by motion.
- (5) Where a decree has been pronounced in an application under paragraph (2) or (3), any application for variation or recall of any such decree shall be made by minute in the process of the action to which the application relates.

Marginal Citations

M1 1985 c.37.

Applications relating to agreements on aliment

- 33.59. (1) Subject to paragraph (2) [^{F1}and rule 33A.53], an application under section 7(2) of the Act of 1985 (variation or termination of agreement on aliment) shall be made by summary application.
- (2) In a family action in which a crave for aliment may be made, an application under section 7(2) of the Act of 1985 shall be made by a crave in the initial writ or in defences, as the case may be.

Textual Amendments

F1 Words in [Sch. 1 rule 33.59\(1\)](#) inserted (4.5.2006) by Act of Sederunt (Ordinary Cause Rules) Amendment (Family Law (Scotland) Act 2006 etc.) 2006 ([S.S.I. 2006/207](#)), {rule 2(29)}

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