

*Status: Point in time view as at 29/01/2007.*

*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

### <sup>F1</sup>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\(5\)](#)

### [<sup>F1</sup>SPECIAL PROVISIONS IN RELATION TO PARTICULAR CAUSES]

#### CHAPTER 33

#### FAMILY ACTIONS

##### *PART III*

##### *DEFENDED FAMILY ACTIONS*

##### *Notice of intention to defend and defences*

- 33.34. (1) This rule applies where the defender in a family action seeks—
- (a) to oppose any crave in the initial writ;
  - (b) to make a claim for—
    - (i) aliment;
    - (ii) an order for financial provision within the meaning of section 8(3) of the Act of 1985; or
    - (iii) [<sup>F1</sup>a section 11 order]; or
  - (c) an order—
    - (i) under section 16(1)(b) or (3) of the <sup>M1</sup>Act of 1985 (setting aside or varying agreement as to financial provision);
    - (ii) under section 18 of the Act of 1985 (which relates to avoidance transactions); or
    - (iii) under the Act of 1981; or
  - (d) to challenge the jurisdiction of the court.
- (2) In an action to which this rule applies, the defender shall—
- (a) lodge a notice of intention to defend in Form F26 before the expiry of the period of notice; and

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- (b) make any claim or seek any order referred to in paragraph (1), as the case may be, in those defences by setting out in his defences—
- (i) craves;
  - (ii) averments in the answers to the condescence in support of those craves; and
  - (iii) appropriate pleas-in-law.

[<sup>F2</sup>(3) Where a defender intends to make an application for a section 11 order which, had it been made in an initial writ, would have required a warrant for intimation under rule 33.7, the defender shall include a crave in his notice of intention to defend for a warrant for intimation or to dispense with such intimation; and rule 33.7 shall, with the necessary modifications, apply to a crave for a warrant under this paragraph as it applies to a crave for a warrant under that rule.]

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**Textual Amendments**

- F1** Words in rule 33.34(1)(b)(iii) substituted (1.11.1996) by S.I. 1996/2167, para. 2, **Sch. para. 18(a)**  
**F2** Rule 33.34(3) inserted (1.11.1996) by S.I. 1996/2167, para. 2, **Sch. para. 18(b)**
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**Marginal Citations**

- M1** 1985 c.37.

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