
 STATUTORY INSTRUMENTS

1966 No. 868 (S. 65)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 2) 1966

Made - - -

15th July 1966

Coming into Operation

22nd July 1966

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1. The Rules of Court(b) shall be amended by adding after Rule 188 a new Section of Chapter III as follows:—

“ SECTION 7

“ REFERENCES AND APPLICATIONS UNDER THE
DEFAMATION ACT 1952

“ 188A. Procedure

“ (a) Any reference to the Court under section 4(4) of the Defamation Act 1952(c) shall (i) where proceedings for libel or slander have been taken be made by minute lodged in the process and (ii) where no such proceedings have been taken be made by petition, stating in either instance the question to be determined by the Court and the contentions of the minuter or petitioner thereon as the case may be, and having appended thereto a copy of the relative offer of amends and declaration. On such minute or petition being lodged the other party may lodge answers thereto within such period as the Lord Ordinary may allow.

“ (b) Any application to the Court under section 4(4) of the Defamation Act 1952(c) shall be made by petition and on such petition being lodged the other party may lodge answers thereto within such period as the Lord Ordinary may allow.”

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 2) 1966, and shall come into operation on 22nd July 1966.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
15th July 1966

(a) 1933 c. 41.

(b) S.I. 1965/321 (1965 I, p. 803).

(c) 1952 c. 66.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends the Rules of Court by providing procedure for references and applications to the Court where an offer of amends under section 4 of the Defamation Act 1952 has been accepted by the party aggrieved.