

1976 No. 2197 (S.178)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 14)
(Third Party Procedure) 1976

Made - - - - 21st December 1976

Coming into Operation 12th January 1977

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:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 14) (Third Party Procedure) 1976 and shall come into operation on 12th January 1977.

(2) The Interpretation Act 1889^(b) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

Amendment of Rule 85 (Third Party notices)

2. In the Rules of Court^(c), in rule 85, in paragraph (c), after the first sentence there shall be inserted the following words “The defender who has served the third party notice shall make up the record. Not later than 14 days after lodging of answers for the third party he shall deliver at least six copies of the Open Record to each of the solicitors for the other parties and shall at the same time lodge two copies in the General Department.”.

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

G. C. Emslie,
I.P.D.

Edinburgh
21st December 1976.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of Court by providing expressly that the defender calling in a third party is responsible for making up the new Open Record.

^(a) 1933 c. 41.

^(b) 1889 c. 63.

^(c) S.I. 1965/321 (1965 I, p. 803).

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