

1976 No. 744 (S. 63)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Sheriff Court Rules Amendment) 1976

Made - - - 13th May 1976

Coming into Operation 7th June 1976

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 32 of the Sheriff Courts (Scotland) Act 1971(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 (Sheriff Court Rules Amendment) 1976 and shall come into operation on 7th June 1976.

(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 rules relating to induciae of citation and powers of investment

2. The Sheriff Courts (Scotland) Act 1907(c) as amended shall be further amended as follows:—

(a) For Rule 5 there shall be substituted—

“5. *Induciae of citation.*—Subject to Rule 6, the induciae for the citation of a defender in any action shall be fourteen days, except in the case of citation (other than edictal citation) under Rule 15B of a defender who is resident in a country outside Europe, when the induciae shall be three weeks if the citation is personal and six weeks if the citation is postal;”;

(b) In paragraph (f) of Rule 172, at the end of sub-paragraph (4) there shall be added—

“or (5) invested in any securities in which trustees are authorised to invest by virtue of the Trustee Investments Act 1961(d);”.

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

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

Edinburgh,
13th May 1976.

(a) 1971 c. 58.

(b) 1889 c. 63.

(c) 1907 c. 51.

(d) 1961 c. 62.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules in the Schedule to the Sheriff Courts (Scotland) Act 1907 (*a*) by increasing the normal period of induciae (or notice) for the citation of a defender who is within Scotland from seven to fourteen days, and (*b*) by extending the range of securities in which funds consigned in Court for the benefit of litigants under legal disability may be invested.

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