
STATUTORY INSTRUMENTS

1994 No. 2354 (S.113)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Judicial Factors Rules) (Amendment) 1994

Made - - - - *6th September 1994*

Coming into force - - *1st October 1994*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 5 of the Judicial Factors (Scotland) Act 1880(1), section 32 of the Sheriff Courts (Scotland) Act 1971(2) and of all other powers enabling them in that behalf, having approved with modifications draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the Sheriff Courts (Scotland) Act 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Judicial Factors Rules) (Amendment) 1994 and shall come into force on 1st October 1994.

Amendment of the Act of Sederunt (Judicial Factors Rules) 1992

2.—(1) The Act of Sederunt (Judicial Factors Rules) 1992(3) shall be amended in accordance with the following sub-paragraphs.

(2) In rule 6 (intimation and service)—

(a) in paragraph (1)(a), for the words “a copy of the application” substitute the words “a notice in Form 7”; and

(b) after paragraph (2), insert the following paragraph:—

“(3) Before the first order in an application is pronounced, a copy of the application shall be lodged with the sheriff clerk, who may provide any interested party with further details of the application.”.

(3) In the Schedule, after Form 6, insert the form set out in the Schedule to this Act of Sederunt.

(1) 1880 c. 4.
(2) 1971 c. 58.
(3) S.I.1992/272.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Edinburgh
6th September 1994

J A D Hope
Lord President, IPD

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SCHEDULE

Paragraph 2(3)

FORM 7 FORM OF NOTICE TO BE INTIMATED ON WALLS OF COURT

Rule 6(1)

Notice is hereby given to all persons having interest, that application has been made by [A.B.] (*name and address of applicant(s)*) to the Sheriff of (*name of sheriffdom*) at (*place of court*) for the appointment of [C.D.] (*name and address*) as curator bonis [*or other type of factor*] to [E.F.] (*name*) [*or for the discharge of [C.D.] (name and address) as curator bonis [or other type of factor] to [E.F.] (name)*] [*or otherwise as the case may be*].

Any person having an interest in this application may obtain further details from the sheriff clerk at (*address*).

(Signed)

Sheriff Clerk (depute)
Telephone No. (*telephone number of Sheriff Clerk's office*)

EXPLANATORY NOTE

(*This note is not part of the Act of Sederunt*)

This Act of Sederunt substitutes, for the requirement in rule 6(1) of the Act of Sederunt (Judicial Factors Rules) 1992 for the first order in an application to provide for intimation of a copy of the application by display on the walls of court, the requirement to lodge a copy of the application with the sheriff clerk and intimation of a notice of the application only. It also provides the form of the notice.