
STATUTORY INSTRUMENTS

1995 No. 3345

**Act of Sederunt (Reciprocal Enforcement of
Maintenance Orders) (United States of America) 1995**

PART II

COURT OF SESSION

Transmission of order to specified state

5.—(1) All applications to the Court of Session for the transmission of a maintenance order, to which this Part applies, to a court in a specified state for registration and enforcement shall be made by a letter to that effect addressed to the Deputy Principal Clerk.

(2) There shall be sent with any such application—

- (a) three certified copies of the maintenance order;
- (b) a certificate of arrears signed by the applicant or his solicitor;
- (c) a sworn statement signed by the payee—
 - (i) giving the address of the payee;
 - (ii) giving such information as is known as to the whereabouts of the payer; and
 - (iii) giving a description, so far as is known, of the nature and location of any assets of the payer available for execution; and
- (d) a statement signed by the applicant giving such information as the applicant possesses for facilitating the identification of the payer including a photograph if available.

Transmission of order varying or revoking maintenance order

6. Where a maintenance order transmitted under paragraph 5 is varied or revoked by a subsequent order of the Court of Session, the applicant in respect of the order so transmitted shall inform the Deputy Principal Clerk that such an order of variation or revocation has been made and send him—

- (a) three certified copies of that order;
- (b) where the respondent did not appear in the proceedings, the original or certified copy of a document which establishes that notice of the institution of the proceedings has been served on the respondent.

Request to take evidence

7. Where any request is made to the Court of Session by or on behalf of a court in a specified state for the evidence of a person to be taken under section 14 of the Act of 1972, such evidence shall be taken and recorded by the sheriff of the sheriffdom in which that person resides and the Deputy Principal Clerk shall accordingly send any such request to the sheriff clerk of the sheriff court district in which that person resides and such request shall be treated for the purposes of taking that person's evidence as a request to the sheriff by or on behalf of that court.