

SCHEDULE

AMENDMENT TO ORDINARY CAUSE RULES 1993

9. For rule 33.15 (orders for intimation by sheriff), substitute the following rule:—

“Orders for intimation

33.15.—(1) In any family action, the sheriff may, at any time—

- (a) subject to paragraph (2), order intimation to be made on such person as he thinks fit;
- (b) postpone intimation, where he considers that such postponement is appropriate and, in that case, the sheriff shall make such order in respect of postponement of intimation as he thinks fit; or
- (c) dispense with intimation, where he considers that such dispensation is appropriate.

(2) Where the sheriff is considering whether to make a section 11 order by virtue of section 12 of the Act of 1995 (restrictions on decrees for divorce, separation or annulment affecting children), he shall, subject to paragraph (1)(c) and without prejudice to paragraph (1)(b) of this rule, order intimation in Form F9 to the child to whom the section 11 order would relate unless—

- (a) intimation has been given to the child under rule 33.7(1)(h); or
- (b) the sheriff considers that the child is not of sufficient age or maturity to express his views.

(3) Where a party makes a crave or averment in a family action which, had it been made in an initial writ, would have required a warrant for intimation under rule 33.7, that party shall include a crave in his writ for a warrant for intimation or to dispense with such intimation; and rule 33.7 shall, with the necessary modifications, apply to a crave for a warrant under this paragraph as it applies to a crave for a warrant under that rule.”.