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STATUTORY INSTRUMENTS

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**1997 No. 291**

**Act of Sederunt (Child Care and Maintenance Rules) 1997**

**CHAPTER 1**

**PRELIMINARY**

**Citation and commencement**

**1.1.**—(1) This Act of Sederunt may be cited as the Act of Sederunt (Child Care and Maintenance Rules) 1997 and shall come into force on 1st April 1997.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

**Interpretation**

**1.2.**—(1) In this Act of Sederunt, unless the context otherwise requires—

“Ordinary Cause Rules” means the First Schedule to the Sheriff Courts (Scotland) Act 1907<sup>(1)</sup>;

“Principal Reporter” has the same meaning as in section 93(1) of the Children (Scotland) Act 1995;

“sheriff clerk” includes sheriff clerk depute.

(2) Unless the context otherwise requires, any reference in this Act of Sederunt to a specified Chapter, Part or rule shall be construed as a reference to the Chapter, Part or rule bearing that number in this Act of Sederunt, and a reference to a specified paragraph, sub-paragraph or head shall be construed as a reference to the paragraph, sub-paragraph or head so numbered or lettered in the provision in which that reference occurs.

(3) Any reference in this Act of Sederunt to a numbered Form shall be construed as a reference to the Form so numbered in Schedule 1 to this Act of Sederunt and includes a form substantially to the same effect with such variation as circumstances may require.

**Affidavits**

**1.3** An affidavit required in terms of any provision of this Act of Sederunt may be emitted—

- (a) in the United Kingdom, before a notary public or any other competent authority;
- (b) outwith the United Kingdom, before a British diplomatic or consular officer, or any person authorised to administer an oath or affirmation under the law of the place where the oath or affirmation is made.

**Revocations and transitional provisions**

**1.4.**—(1) Subject to paragraphs (2) and (3), the Acts of Sederunt mentioned in column (1) of Schedule 2 to this Act of Sederunt are revoked to the extent specified in column (3) of that Schedule.

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<sup>(1)</sup> 1907 c. 51, the First Schedule was substituted by S.I. 1993/1956.

(2) Nothing in paragraph (1) or in Chapter 2 shall affect any cause which has been commenced before 1st April 1997 and to which that Chapter would otherwise apply, and such a cause shall proceed according to the law and practice in force immediately before that date.

(3) Nothing in paragraph (1) shall affect any cause to which paragraph 8(1) of Schedule 3 to the Children (Scotland) Act 1995 applies, and such a cause shall proceed according to the law and practice in force immediately before 1st April 1997.