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STATUTORY INSTRUMENTS

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**1997 No. 795 (S.74)**

**COURT OF SESSION, SCOTLAND**

**Act of Sederunt (Rules of the Court of Session  
Amendment No. 1) (Part I Orders) 1997**

*Made* - - - - - *7th March 1997*  
*Coming into force* - - - - - *1st April 1997*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 5 of the Court of Session Act 1988(1) and of all other powers enabling them in that behalf, do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No. 1) (Part I Orders) 1997 and shall come into force on 1st April 1997.

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

**Amendment of Chapter 71 of the Rules of the Court of Session**

2.—(1) Chapter 71 of the Rules of the Court of Session 1994(2) shall be amended in accordance with the following sub-paragraphs.

(2) In the heading of the Chapter, for “CUSTODY ORDERS” substitute “PART I ORDERS”.

(3) In rule 71.1 (interpretation)—

(a) for “custody order” substitute “Part I order”; and

(b) in the definition of “register”, for “custody orders” substitute “Part I orders”.

(4) In rule 71.2 (register to be maintained)—

(a) in the heading, for “Custody orders” substitute “Part I orders”;

(b) for “custody orders”, in both places where those words occur, substitute “Part I orders”;  
and

(c) for “custody order” substitute “Part I order”.

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(1) 1988 c. 36; section 5 was amended by the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(3) and by the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 45.

(2) S.I.1994/1443.

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**Status:** This is the original version (as it was originally made).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

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(5) In each of rules 71.3 (application for registration of order in another court), 71.5 (registration of order from another court), 71.6 (cancellation or variation of registered order) and 71.7 (enforcement of registered order in Scotland)–

(a) in the heading, for “**custody orders**” substitute “**Part I orders**”; and

(b) for “custody order”. wherever those words occur, substitute “Part I order”.

(6) In each of rules 71.4 (transmission of application for registration) and 71.8(1) (application to sist or refuse enforcement proceedings), for “custody order”, wherever those words occur, substitute “Part I order”.

Edinburgh,  
7th March 1997

*Rodger of Earlsferry*  
Lord President, I.P.D.

## **EXPLANATORY NOTE**

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

This Act of Sederunt amends Chapter 71 of the Rules of the Court of Session (which relates to the registration and enforcement of certain orders under the Family Law Act 1986) by changing the name of the type of order with which that Chapter is concerned from a “custody order” to a “Part I order”. The changes made by the Act of Sederunt reflect amendments made to the Family Law Act 1986 by the Children Act 1989.