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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 66**

**Act of Sederunt (Rules of the Court of  
Session Amendment) (Miscellaneous) 2000**

**Amendment of the Rules of the Court of Session**

2.—(1) The Rules of the Court of Session 1994(1) are amended in accordance with the following paragraphs.

(2) The rule added after rule 1.3 as rule 1.4 (direction relating to Advocate General) by paragraph 2(2)(b) of the Act of Sederunt (Rules of the Court of Session Amendment No.5) (Miscellaneous) 1999(2) is renumbered as rule 1.5 and shall follow rule 1.4.

(3) In rule 25A.6 after paragraph (1) there is inserted—

“(1A) Where a relevant authority does not take part as a party in the proceedings at first instance the court may allow him to take part as a party in any subsequent appeal, reclaiming motion or reference to a higher court.”

(4) In rule 38.3 (reclaiming days) after paragraph (2) there is inserted—

“(2A) Where an interlocutor which reserves or does not dispose of the question of expenses is the subject of a reclaiming motion under paragraph (2)(b), any party to the cause who seeks an order for expenses before the disposal of the reclaiming motion shall apply by motion to the Lord Ordinary for such an order within 14 days of the date of enrolment of that reclaiming motion.”

(5) In rule 38.8(1) after “Lord Ordinary” there is inserted “or any interlocutor of the Lord Ordinary in a motion under rule 38.3(2A)”.

(6) In rule 43.31(1) (lodging of medical reports) for “In an action” there is substituted “At any time up to and including the calling of a summons in an action” and “, with the summons when it is lodged for signeting under rule 13.5,” is omitted.

(7) In rule 47.9 (withdrawal of action from Commercial Roll) after paragraph (1) there is inserted—

“(1A) At any time before or at the preliminary hearing, the commercial judge may—

(a) on the motion of a party; or

(b) *ex proprio motu*, after hearing the parties to the action,

if he is satisfied that the action is not a commercial action, withdraw it from the procedure in this Chapter and appoint it to proceed as an ordinary action.”

(8) In rule 73.2(2) (form of application for rectification of document) in paragraph (a), after second “summons” and in paragraph (b), after “summons” there is inserted “or in a counterclaim.”

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(1) S.I. 1994/1443 as amended. The relevant amendments are S.I. 1999/1345 which inserted Chapter 25A, S.I. 1996/2168 which inserted rule 43.31, and S.I. 1994/2310 which inserted a new Chapter 47 and amended rule 73.2(2).

(2) S.I. 1999/1386.