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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 268**

**Act of Sederunt (Rules of the Court of Session  
Amendment No. 7) (Miscellaneous) 2005**

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

**2.—(1)** The Rules of the Court of Session 1994<sup>(1)</sup> shall be amended in accordance with the following sub-paragraphs.

(2) In rule 8.1(1) (certificates by officer of Inland Revenue)—

- (a) for the heading there shall be substituted “Certificates by officer of Revenue and Customs”;
- (b) for “officer of the Inland Revenue” there shall be substituted “officer of Revenue and Customs”; and
- (c) for “Commissioners of Inland Revenue” there shall be substituted “Commissioners for Her Majesty’s Revenue and Customs”.

(3) In rule 41.23(1)(a) (revenue appeals by stated case)<sup>(2)</sup> for “Commissioners of Inland Revenue” there shall be substituted “Commissioners for Her Majesty’s Revenue and Customs”.

(4) In rule 41.26 (appeals relating to certain determinations of the Commissioners of Inland Revenue)<sup>(3)</sup>—

- (a) for the heading there shall be substituted “Appeals relating to certain determinations of Commissioners for Her Majesty’s Revenue and Customs”;
- (b) for “Commissioners of Inland Revenue” there shall be substituted “Commissioners for Her Majesty’s Revenue and Customs”.

(5) In Part XI of Chapter 41—

- (a) rules 41.53 (reference to Inner House) and 41.54 (service of order) shall be renumbered rules 41.52A and 41.52B respectively<sup>(4)</sup>; and
- (b) rule 41.55 (expenses) shall be omitted<sup>(5)</sup>.

(6) Part IIA of Chapter 70 (applications under the Child Abduction and Custody Act 1985)<sup>(6)</sup> shall be renumbered Part IV.

(7) For rule 72.1(1) (interpretation of chapter 22) there shall be substituted the following:—

“In this Chapter—

“the Act of 1985” means the Bankruptcy (Scotland) Act 1985; and

“the EC Regulation” means Council Regulation (EC) 1346/2000 of 29th May 2000 on insolvency proceedings<sup>(7)</sup>.”

(8) After rule 72.1 (interpretation) there shall be inserted the following:—

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(1) S.I.1994/1443, last amended by S.S.I. 2005/198.

(2) Rule 41.23 was inserted by S.I. 1994/2901 and amended by S.S.I. 1999/192.

(3) Rule 41.26 was amended by S.I. 1994/2901.

(4) Rules 41.53 and 41.54 were inserted into Part XI by S.S.I. 2005/198.

(5) Rule 41.55 was inserted by S.S.I. 2005/198.

(6) Part IIA was inserted by S.S.I. 2005/135.

(7) O.J.L. 160, 30/06/2000 p. 0001-0018.

“Application of the EU Regulation

**72.1A.** A petition for sequestration to which section 12 of the Act of 1985 (petition for sequestration of debtor’s estate) applies shall include averments stating—

- (a) whether the EC Regulation applies; and
- (b) if so, whether the proceedings are main proceedings or territorial proceedings.”.

(9) After rule 74.10 (form of petition in administration procedure)(**8**) there shall be inserted the following:—

“Interim orders

**74.10A.**—(1) On making an interim order under paragraph 13(1)(d) of Schedule B1 to the Act of 1986 the Lord Ordinary shall fix a hearing on the By Order Roll for a date after the expiry of the period of notice mentioned in rule 14.6 (period of notice for lodging answers).

(2) At the hearing under paragraph (1) the Lord Ordinary shall make such order as to further procedure as he thinks fit.”.

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(8) Rule 74.10 was amended by S.I. 1994/2901 and S.S.I. 2003/385.