
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 437

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Miscellaneous) 2006

Made - - - - *22nd August 2006*

Coming into force - - *1st September 2006*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(1), and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of that Act, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Miscellaneous) 2006 and shall come into force on 1st September 2006.

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

Amendment of Summary Application Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(2) shall be amended in accordance with the following paragraph.

(2) After Part XXX (Mental Health (Care and Treatment) (Scotland) Act 2003)(3) there shall be inserted the following:—

(1) 1971 c. 58. Section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4), the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 13 and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43 and was extended by the Child Support Act 1991 (c. 48), sections 39(2) and 49 and the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(2).

(2) S.I.1999/929, amended by S.S.I. 2000/148 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, 2003/26, 27, 98, 261, 319, 346 and 556, 2004/197, 222, 334 and 455, 2005/61, 473, 504 and 648 and 2006/410.

(3) Part XXX was inserted by S.S.I. 2005/504.

“PART XXXI FOOTBALL BANNING ORDERS

Interpretation

3.31.1. In this Part—

“the Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006(4);

“football banning order” means an order made under section 52(4) of the Act.

Applications for variation or termination of a football banning order

3.31.2.—(1) An application under—

(a) section 57(1) of the Act for variation of a football banning order; or

(b) section 58(1) of the Act for termination of a football banning order,

shall be made by minute in the process relating to the football banning order.

(2) A minute under paragraph (1) shall be made in accordance with and regulated by Chapter 14 of the Ordinary Cause Rules.

PART XXXII ANIMAL HEALTH AND WELFARE

Interpretation

3.32.1. In this Part—

“the 1981 Act” means the Animal Health Act 1981(5); and

“the 2006 Act” means the Animal Health and Welfare (Scotland) Act 2006(6).

Interim orders

3.32.2.—(1) An application for an interim order under—

(a) section 28G(10) of the 1981 Act(7); or

(b) section 41(9) of the 2006 Act,

shall be made by crave in the initial writ in which a seizure order is sought.

(2) An application for an interim order once craved shall be moved by motion to that effect.

Interim orders pending appeal

3.32.3. An application for an interim order under—

(a) section 28H(2) of the 1981 Act(8); or

(b) section 43(5) of the 2006 Act,

(4) 2006 asp 10.

(5) 1981 c. 22.

(6) 2006 asp 11.

(7) Section 28G(10) was inserted by section 10 of the 2006 Act.

(8) Section 28H(2) was inserted by section 10 of the 2006 Act.

where a seizure order is suspended or inexecutable shall be made by motion.”.

Edinburgh
22nd August 2006

A C Hamilton
Lord President I.P.D.

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

EXPLANATORY NOTE

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

This Act of Sederunt makes miscellaneous amendments to the Summary Application Rules in the sheriff court (“the Rules”).

Paragraph 2(2) inserts a new Part XXXI into the Rules which provides for the procedure for applications for variation and termination of football banning orders under the Police, Public Order and Criminal Justice Act 2006. It then goes on to insert a new Part XXXII into the Rules which provides for the procedure for applications for various interim orders under the Animal Health and Welfare (Scotland) Act 2006 and the Animal Health Act 1981, as amended by that Act.