

**2010 No. 120**

**SHERIFF COURT**

**Act of Sederunt (Ordinary Cause Rules) Amendment (Child Maintenance and Other Payments Act 2008) 2010**

*Made* - - - - *17th March 2010*

*Coming into force* - - *6th April 2010*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(a) 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 the said Act of 1971, do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Ordinary Cause Rules) Amendment (Child Maintenance and Other Payments Act 2008) 2010 and comes into force on 6th April 2010.

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

**Amendment of the Ordinary Cause Rules**

2.—(1) The Ordinary Cause Rules in Schedule 1 to the Sheriff Courts (Scotland) Act 1907(b) are amended in accordance with the following subparagraph.

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(a) 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) (the “2000 asp”), schedule 5, paragraph 13; the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43; the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(2); the Consumer Credit Act 2006 (c.14), section 16(4); and the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (the “2007 asp”) section 33. Section 32 is amended prospectively by the 2007 asp, schedule 5, paragraph 10. Section 32 was extended by the Debtors (Scotland) Act 1987 (c.18), section 97; the Child Support Act 1991 (c.48), sections 39(2) and 49; and by section 2(4) of the 2000 asp.

(b) 1907 c.51. Schedule 1 was substituted by S.I. 1993/1956 and amended by S.I. 1996/2167 and 2445; S.S.I. 2000/239 and 408; 2001/8 and 144; 2002/7, 128 and 560; 2003/25 and 26; 2004/197 and 350; 2005/20, 189, 638 and 648; 2006/198, 207, 293, 410 and 509; 2007/6, 339, 440 and 463; 2008/121, 223 and 365; and 2009/107, 164, 284, 285, 294 and 402.

(2) After rule 33.91 (effect of maintenance calculations on extracts relating to aliment)(a)  
insert—

**“Applications to recall or vary an interdict**

**33.91A.** An application under section 32L(11)(b) of the Act of 1991 (orders preventing avoidance)(b) for the variation or recall of an order for interdict is to be made by minute in the process of the action to which the application relates.”.

*A.C. HAMILTON*  
Lord President  
I.P.D.

Edinburgh  
17th March 2010

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(a) Rule 33.91 was amended by S.S.I. 2003/26.

(b) 1991 c.48. Section 32L was inserted by the Child Maintenance and Other Payments Act 2008 (c.6), section 24.

## **EXPLANATORY NOTE**

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

This Act of Sederunt amends the Ordinary Cause Rules set out in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 in consequence of the Child Maintenance and Other Payments Act 2008.

Paragraph 2(2) provides that an application under section 32L(11)(b) of the Child Support Act 1991 (as inserted by section 24 of the 2008 Act) to vary or recall an interdict is to be made by minute in the process of the action to which the application relates.

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