

This S.S.I. has been made to correct errors in S.S.I. 2015/227 and S.S.I. 2015/228 and is being issued free of charge to all known recipients of those instruments.

SCOTTISH STATUTORY INSTRUMENTS

2015 No. 296

COURT OF SESSION

SHERIFF COURT

**Act of Sederunt (Ordinary Cause Rules 1993 Amendment and
Miscellaneous Amendments) 2015**

Made - - - - - *31st July 2015*

Laid before the Scottish Parliament *3rd August 2015*

Coming into force - - - *21st September 2015*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a) the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 103(1) and 104(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Ordinary Cause Rules 1993 Amendment and Miscellaneous Amendments) 2015.

(2) It comes into force on 21st September 2015.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Ordinary Cause Rules 1993

2.—(1) The Ordinary Cause Rules 1993(c) are amended in accordance with this paragraph.

(2) In rule 17.1 (summary decrees: application)(d), after paragraph (aa) insert—

“(ab) an action of proving the tenor;”.

(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3).

(b) 2014 asp 18.

(c) The Ordinary Cause Rules 1993 are in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c.51). Schedule 1 was substituted by S.I. 1993/1956 and was last amended by S.S.I. 2015/283.

(d) Rule 17.1 was amended by S.S.I. 2006/207.

Amendment of the Act of Sederunt (Rules of the Court of Session 1994 Amendment) (No. 3) (Courts Reform (Scotland) Act 2014) 2015

3.—(1) The Act of Sederunt (Rules of the Court of Session 1994 Amendment) (No. 3) (Courts Reform (Scotland) Act 2014) 2015(a) is amended in accordance with this paragraph.

(2) In paragraph 3(3), in the inserted rule 58.15, paragraphs (4) and (5) become paragraphs (2) and (3) respectively.

(3) In Schedule 1, insert before the title of the first Form the heading “Form 58.3”.

Amendment of the Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 2) (Personal Injury and Remits) 2015

4.—(1) The Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 2) (Personal Injury and Remits) 2015(b) is amended in accordance with this paragraph.

(2) In paragraph 8(5), in the inserted chapter 15A, the first rule numbered 15A.2 becomes rule 15A.1A.

(3) In paragraph 8(14), in the inserted rule 36A.9(4)(c)(iv), for “intend to reply” substitute “intend to rely”.

CJM SUTHERLAND
Lord Justice Clerk
I.P.D.

Edinburgh
31st July 2015

(a) S.S.I. 2015/228.
(b) S.S.I. 2015/227.

EXPLANATORY NOTE

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

This Act of Sederunt makes corrections.

Regulation 2 amends the Ordinary Cause Rules 1993 to clarify that summary decree under Chapter 17 is not possible in actions of proving the tenor.

Regulations 3 and 4 correct two amending instruments, to renumber mis-numbered provisions, insert a missing heading in a Form and correct a typographical error.

All three amendments come into force on 21st September 2015. The two amending instruments being amended come into force on 22nd September 2015.

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