## (2) EXCHANGE CONTROL ACT, 1947, RULES

# Act of Sederunt (Exchange Control Act 1947 Rules), 1948

## 1948 No. 199 (S. 5)

*Made - - - - - 31st January,* 1948

The Lords of Council and Session by virtue of the powers conferred by paragraph 7 (3) of the Fourth Schedule of the Exchange Control Act, 1947, (10 & 11 Geo. 6, cap. 14), and of all other powers competent to them in that behalf, do hereby enact and declare as follows, videlicet:—

**1.** If any person liable under a Court of Session or Sheriff Court decree in payment of any sum reasonably apprehends that such payment would be unlawful except with the permission of the Treasury under the Exchange Control Act, 1947, (hereinafter referred to as " the Act "), he may consign the sum decerned for exclusive of expenses in the hands of the Accountant of Court or of the Sheriff Clerk as the case may be.

**2.** Upon such consignation and on payment to the solicitor for the person in right of the decree of the expenses, if any, awarded, the solicitor for the person liable under the decree shall send by registered post to the solicitor for the person in right of the decree a notice as nearly as may be as in Form A appended hereto, whereupon the person liable under the decree shall be deemed to be discharged of liability thereunder to the extent of the consignation and payment so made.

**3.** Application to uplift money so consigned shall be made by written minute in the process in which decree was granted, or in such other form as the Court or the Sheriff may approve, and shall in every case be accompanied by a certificate by the solicitor for the applicant as nearly as may be as in Form B appended hereto; and warrant to uplift the said money shall in no case be granted unless the Court or the Sheriff is satisfied by such certificate or otherwise that the Act does not apply or that its provisions have been complied with.

**4.** The foregoing provisions shall apply to any sum payable under a decree arbitral in like manner *mutatis mutandis* as they apply to a sum payable under a Court of Session decree.

**5.** Where any sum is consigned in the hands of the Accountant of Court or a Sheriff Clerk otherwise than in pursuance of the foregoing provisions, whether as the proceeds of diligence or otherwise, and application is made for warrant to uplift the consigned money, if it appears to the Court or the Sheriff that the money is to be paid to, or to account of, a person resident outwith the scheduled territories as defined in the Act, warrant to uplift shall not be granted until the Court or the Sheriff is satisfied that the consent of the Treasury to such payment has been given or that any conditions imposed by the Treasury have been complied with.

**6.** This Act of Sederunt may be cited as the Act of Sederunt (Exchange Control Act 1947 Rules), 1948.

And the Lords direct this Act of Sederunt to be entered in the Books of Sederunt and to be published in common form.

*T. M. Cooper,*
I.P.D.

Edinburgh, 31st January, 1948.

APPENDIX

FORM A

A.B. (name and design)—*Pursuer*

v.

C.D. (name and design)—*Defender*

To G.H., Solicitor for the said A.B.

Take notice that in pursuance of the Act of Sederunt dated 31st January, 1948, the sum contained in the decree granted on ..... by ..... in the above action, exclusive of the expenses paid to you, has been consigned in the hands of the Accountant of Court (or the Sheriff Clerk).

Date.

(Signed) E.F. Solicitor for the said C.D.

FORM B

A.B. (name and design)—*Pursuer*

v.

C.D. (name and design)—*Defender.*

I, G.H. Solicitor for the said A.B., in whose favour decree was granted by ..... on ..... for the sum of £....., which sum is now consigned in the hands of the Accountant of Court (or the Sheriff Clerk), hereby certify that the Treasury's permission under the Exchange Control Act, 1947, for the payment of the said sum of £..... to the said A.B. has been given unconditionally (or upon conditions which have been complied with).

(Signed) G.H.

Date.

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## (3) PROCEDURE UNDER THE COMPANIES ACT, 1948

# Act of Sederunt (Procedure under Companies Act, 1948) 1948

## 1948 No. 2292 (S. 185)

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| *Made* - - - - | *12th October,* 1948 |
| *Laid before Parliament* | *14th October,* 1948 |
| *Coming into Operation* | *22nd October,* 1948 |

The Lords of Council and Session, under and by virtue of the powers conferred by section 16 of the Administration of Justice (Scotland) Act, 1933, and by section 365 of the Companies Act, 1948, and of all other powers competent to them in that behalf, with a view to adapting procedure in relation to companies and winding up to the provisions of the Companies Act, 1948, do hereby enact and declare as follows, *videlicet*:— 23 & 24 Geo. 5. c. 41. 11 & 12 Geo. 6. c. 38.

**1.** For all references in Rules of Court Acts of Sederunt and relative forms to the Companies Act, 1929, there shall be substituted references to the Companies Act, 1948 (hereinafter referred to as "the Act"). 19 & 20 Geo. 5. c. 23.

**2.** All applications to the Court of Session under the Act, other than those for which other provision is made in Rules of Court, shall be Inner House petitions within the meaning of Rule 208 and shall be dealt with accordingly.