STATUTORY INSTRUMENTS

1978 No. 162 (S. 21)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Presumption of Death) 1978

Made - - -	1*st February* 1978
Coming into Operation	1*st March* 1978

The Lords of Council and Session under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971(**a**) and by section 15 of the Presumption of Death (Scotland) Act 1977(**b**) and of all other powers enabling them in that behalf do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Presumption of Death) 1978 and shall come into operation on 1st March 1978.

(2) The Interpretation Act 1889(**c**) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

Service and advertisement

2.—(1) The pursuer in an action of declarator under section 1 of the Presumption of Death (Scotland) Act 1977 shall serve a copy initial writ and the applicant in an application for a variation order under section 4(1) of that Act shall serve a copy application on the following persons:—

(*a*) the husband or wife of the missing person,

(*b*) any child including an illegitimate or adopted child of the missing person, or if the missing person has no children, the nearest known relative of that person,

(*c*) any person, including insurers, who as far as the pursuer is aware, has any interest in the action,

(*d*) the Lord Advocate.

(2) The Sheriff may on the motion of the pursuer or the applicant dispense with service on any of the persons referred to in sub paragraph 1(*a*) (*b*) and (*c*) above.

(3) In every action of declarator and every application referred to in sub paragraph (1) above the Sheriff shall order advertisement which shall be in such form as the Sheriff thinks fit and shall call for information about the survival or death of the missing person.

(**a**) 1971 c. 58. (**b**) 1977 c. 27. (**c**) 1889 c. 63.

And the Lords appoint this Act of Sederunt to be entered in the Books of Sederunt.

G. C. Emslie,
I P D

Edinburgh.
1st February 1978.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt.*)

This Act of Sederunt provides rules of procedure in the Sheriff Court for service and advertisement in actions of declarator and in applications for a variation order under the Presumption of Death (Scotland) Act 1977.

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