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)

| | |
|---|---|
| *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.

**3.** The intimation and advertisement prescribed by Rule of Court 223 shall be made within fourteen days of the date of the order therein referred to, and the said Rule shall be amended accordingly.

**4.** Sub-paragraph (*a*) (iii) of Rule of Court 231, and the reference in Form 25 to the price of Form 92 Scot. are hereby repealed.

**5.** The Rules of Court mentioned in the first column of the Schedule hereto shall have effect as if for the references therein to the sections of the Companies Act, 1929 set out in the second column of the Schedule there were substituted references to those sections of the Companies Act 1948 set out in the third column thereof, and as if for the reference in Rule 234 to " 19 & 20 Geo. 5 cap. 23 " there were substituted a reference to " 11 & 12 Geo. 6 cap. 38 ".

**6.** This Act of Sederunt may be cited as the Act of Sederunt (Procedure under Companies Act, 1948) 1948, and shall come into operation on 22nd October, 1948.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt and to be printed and published in common form.

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

Edinburgh,
12th October, 1948.

SCHEDULE

| Rule | Section of Companies Act, 1929 | Section of Companies Act, 1948 |
|---|---|---|
| 220 ... ... ... | 170 | 224 |
| 221 ... ... ... | 166 | 220 |
| 223 ... ... ... | 239 | 294 |
| | 249 | 304 |
| | 259 | 314 |
| 224 ... ... ... | 188 | 242 |
| 226 ... ... ... | 198 | 252 |
| 228 ... ... ... | 198 | 252 |
| | 242 | 297 |
| | 238 | 293 |
| | 245 | 300 |
| 229 ... ... ... | 203 | 257 |
| 231 ... ... ... | 284 | 342 |
| 232 ... ... ... | 252 | 307 |
| 234 ... ... ... | 223 | 276 |
| 235 ... ... ... | 252 | 307 |
| Form 25 ... ... | 284 | 342 |

## EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.*)

This Act of Sederunt effects no material change in existing practice, but is required to bring the procedure into line with the Companies Act, 1948.