SCOTTISH STATUTORY INSTRUMENTS

2007 No. 465

SHERIFF COURT

Act of Sederunt (Proceedings in the Sheriff Court under the Debtors (Scotland) Act 1987) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007

Made - - - -	*17th October 2007*
Coming into force - -	*1st November 2007*

The Lords of Council and Session, under and by virtue of the powers conferred upon them 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 (Proceedings in the Sheriff Court under the Debtors (Scotland) Act 1987) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007 and shall come into force on 1st November 2007.

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

Amendment of the principal Rules

2.—(1) The Act of Sederunt (Proceedings in the Sheriff Court under the Debtors (Scotland) Act 1987) 1988(**b**) shall be amended in accordance with the following sub-paragraph.

(2) For rule 71 (powers of sheriff) there shall be substituted the following:–

"*Powers of sheriff*

71.—(1) Without prejudice to any other powers competent to him, the sheriff, in the exercise of the powers conferred on him by these rules, shall have the same powers as regards the summoning and examination of witnesses, the production of documents, the administration of oaths and the correcting of interlocutors as those which he has in an ordinary cause to which the Ordinary Cause Rules in the First Schedule to the Sheriff Courts (Scotland) Act 1907(**c**) apply and in particular shall have the same powers as regards the identification and treatment of vulnerable witnesses within the meaning of section 11(1)

(**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), schedule 5, paragraph 13 and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43 and was extended by the Child Support Act 1991 (c.48), sections 39(2) and 49 and the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(2).

(**b**) S.I. 1988/2013 amended by S.I. 1991/1920, 1993/920, 1994/3086, 1995/1876, 1996/2709, 1999/1820 and S.S.I. 2002/560.

(**c**) 1907 c.51.

of the Vulnerable Witnesses (Scotland) Act 2004(**a**) as those which he has under Chapter 45 of the Ordinary Cause Rules(**b**).".

A C Hamilton
Lord President
I.P.D.

Edinburgh
17th October 2007

(**a**) 2004 asp 3.
(**b**) Chapter 45 was inserted by S.S.I. 2007/463.

EXPLANATORY NOTE

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

This Act of Sederunt amends the rules of procedure in the sheriff court for proceedings under the Debtors (Scotland) Act 1987. It extends the powers of the sheriff under the rules to include the powers held by the sheriff under Chapter 45 of the Ordinary Cause Rules in the First Schedule of the Sheriff Courts (Scotland) Act 1907 in dealing with vulnerable witnesses within the meaning of the Vulnerable Witnesses (Scotland) Act 2004 ("the 2004 Act").

The amendment is consequent upon the 2004 Act being commenced where a person who is a vulnerable witness within the meaning of section 11(1) of the 2004 Act is giving or is to give evidence in or for the purposes of any civil proceedings.

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