SESSION, COURT OF, SCOTLAND

Act of Sederunt (Rules of Court Amendment) 1950

1950 No. 1156 (S. 82)

Made - - - -	*29th June*, 1950
Coming into Operation	*2nd October*, 1950

The Lords of Council and Session under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf do hereby enact as follows:—

1. The Rules of Court(b) are hereby amended as follows:—

(i) Rule 109 in paragraph (*a*), for the word "seventh" wherever it occurs there shall be substituted the word "fourteenth".

(ii) in Rule 109 after paragraph (*c*) there shall be inserted the following paragraph:—"(*d*) On lodging defences, the defender's solicitor shall "send a copy thereof to the pursuer's solicitor".

(iii) in Rule 110 in paragraph (*k*) for the word "seventh" there shall be substituted the word "fourteenth".

(iv) in Rule 115 in paragraph (*a*) for the word "seven" there shall be substituted the word "fourteen".

(v) Rule 115 paragraph (*b*) shall be deleted.

(vi) in Rule 115 after paragraph (*c*), there shall be inserted the following paragraph:—"(*c*) In any case it shall be competent for the parties "to agree to dispense with an open record".

(vii) in Rule 116 the following paragraph (*a*) shall be substituted for paragraph (*a*) "(*a*) When both parties are agreed that the record "should be closed, either party may enrol a motion to that effect, "whereupon the Lord Ordinary, after hearing parties shall pronounce "an interlocutor closing the record and directing further procedure "in accordance with the remaining provisions of this rule and of "Rule 136; provided that in any case it shall be competent for any "party at any time during Session to enrol a motion for the closing "of the record or for such further or other order as the Lord "Ordinary may deem just".

(viii) in Rule 116 the following proviso shall be added to paragraph (*e*):—"provided that in every case which is sent to procedure roll, "the interlocutor shall state on whose motion the case is so sent".

(ix) in Rule 116 in paragraph (*f*) for the word "seven" there shall be substituted the word "fourteen".

(x) in Rule 136 the following proviso shall be added to paragraph (*a*):—"provided that in every case which is sent to procedure roll, "the interlocutor shall state on whose motion the case is so sent".

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment) 1950 and shall come into operation on 2nd October, 1950.

(a) 23 & 24 Geo. 5. c. 41. (b) S.I. 1948 (No. 1691) I, p. 3778.

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

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

Edinburgh,
29th June, 1950.

Act of Sederunt (Maintenance Orders Act, 1950, Rules) 1950

1950 No. 2144 (S. 145)

Made - - - - 20*th December*, 1950
Coming into Operation 1*st January*, 1951

The Lords of Council and Session, under and by virtue of the powers conferred on them by the Maintenance Orders Act, 1950(a), and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

PART I

GENERAL

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Maintenance Orders Act, 1950, Rules) 1950 and shall come into operation on the first day of January, 1951.

(2) In this Act of Sederunt the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

"the Act" means the Maintenance Orders Act, 1950;

"decree" includes an extract decree and a decree granted in the Small Debt Court;

"Deputy Principal Clerk" means the Deputy Principal Clerk in charge of the Petition Department of the Court of Session;

"the High Court in England" means the Supreme Court of Judicature in England;

"the High Court in Northern Ireland" means the Supreme Court of Judicature of Northern Ireland;

"Senior Registrar" in relation to the High Court in England means, in the case of an order for the payment of weekly or other periodical sums made under subsection (2) of section three or subsection (4) of section five of the Guardianship of Infants Act, 1925(b), the Chief Registrar of the Chancery Division, and in any other case the Senior Registrar of the Principal Probate Registry, and in relation to the High Court in Northern Ireland means the Chief Registrar of the King's Bench Division (Matrimonial):

"sheriff-clerk" includes sheriff-clerk depute.

(3) In Part III of this Act of Sederunt any reference to the clerk of a court shall in relation to a county court in England be construed as a reference to the registrar of that court.

(4) 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.

(a) 14 Geo. 6. c. 37. (b) 15 & 16 Geo. 5. c. 45. (c) 52 & 53 Vict. c. 63.