(3) A defendant applying for leave to pay a claim by instalments will be required to supply certain particulars of his financial position. Where the claim is for £40 or more, the plaintiff will be able to require the defendant to attend and give evidence or submit an affidavit, and the court will then be precluded from treating a letter from the defendant as evidence of his means.

(4) A creditor will be entitled as of right to execute for a part only of the judgment debt, subject to a minimum of £1 or one monthly instalment whichever is the greater. Where execution is issued for part of the debt, the registrar may notify the debtor that the warrant will not be levied if he pays the money into court within seven days.

(5) A judgment summons will be served by post if the creditor gives a certificate as to the debtor's address, but a judgment summons so served will not normally enable the creditor to obtain a committal order unless the debtor attends the hearing.

(6) A judgment summons will have to be served not less than 10, instead of not less than 5, days before the hearing.

(7) A fee may be allowed to counsel for advising on the merits of a claim before proceedings are taken.

COURT OF SESSION, SCOTLAND

FEES, STAMPS AND ACCOUNTS

1957 No. 807 (S. 42)

Act of Sederunt (Rules of Court Amendment) 1957

Made - - - -	3*rd May*, 1957
Coming into Operation	18*th May*, 1957

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, considering that it has been agreed by the Treasury that certain fees payable to shorthand writers should be increased, do hereby enact as follows:—

1. The fees prescribed to be charged by shorthand writers in the Court of Session for attending trials, proofs and commissions contained in Part E of Rule 357 of the Rules of Court(b), shall as from the coming into operation of this Act of Sederunt be subject to an increase of 66⅔ per cent. in lieu of the 25 per cent. increase prescribed by the Act of Sederunt (Rules of Court Amendment) 1952(c).

(a) 23 & 24 Geo. 5. c. 41. (b) See S.I. 1948/1691 (1948 I, p. 3778).
(c) S.I. 1952/893 (1952 III, p. 2965).

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment) 1957, and shall come into operation on 18th May, 1957.

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

J. L. Clyde,
I.P.D.

Edinburgh,
3rd May, 1957.

EXPLANATORY NOTE

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

This Act of Sederunt provides for a further increase in attendance fees payable to shorthand writers in the Court of Session from the present 25 per cent. of the basic charge to 66⅔ per cent.

PROCEDURE

1957 No. 147 (S. 6)

Act of Sederunt (Applications to the Court of Session under Part I of the Restrictive Trade Practices Act 1956 Rules) 1957

Made - - - -	*17th January*, 1957
Coming into Operation	*17th January*, 1957

The Lords of Council and Session, under and by virtue of the powers conferred on them by the Restrictive Trade Practices Act, 1956(a), by section 16 of the Administration of Justice (Scotland) Act 1933(b), and of all other powers competent in that behalf, do hereby enact as follows :—

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

" the Act " means the Restrictive Trade Practices Act, 1956 ;

" the Court " means the Court of Session ;

" the Registrar " means the Registrar of Restrictive Trading Agreements.

(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.

2. All applications to the Court of Session under Part I of the Act shall be made by Petition to the Inner House and shall be lodged in the Petition Department. Such Petitions shall be, so far as possible, in conformity with Form 18 in the Appendix to the Rules of Court. The narrative shall expressly refer to the relevant section or sections of the Restrictive Trade Practices Act under which the Petition is brought. The Prayer shall contain a crave for service on the Respondent or Respondents on a 7 days induciae.

(a) 4 & 5 Eliz. 2. c. 68. (b) 23 & 24 Geo. 5. c. 41. (c) 52 & 53 Vict. c. 63.