STATUTORY INSTRUMENTS

1962 No. 612 (S. 20)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 2), 1962

Made - - - - 23*rd March*, 1962
Coming into Operation 1*st May*, 1962

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 the Court of Session(b) shall be amended as follows:—

(1) In Rule 177, by deleting the present paragraph (*c*), and by substituting therefor the following—

"In every undefended action, where there is any child of the "marriage, or any such child as is mentioned in Section 7 of "the Act of 1958, with respect to whose custody, maintenance "and education the Court has jurisdiction to make provision in "the final decree, there shall be inserted in the interlocutor a "direction reserving leave to apply to the Court anent the custody, "maintenance or education of such child at any time until the "date when the child, or, if more than one, the child last to attain "the age of sixteen years, would in ordinary course attain that age".

(2) By deleting Rule 178, and by substituting therefor the following—

"In every defended action, where there is any child of the "marriage, or any such child as is mentioned in Section 7 of the "Act of 1958, with respect to whose custody, maintenance and "education the Court has jurisdiction to make provision in the "final decree, there shall be inserted in the interlocutor a direction "reserving leave to apply to the Court anent the custody, mainte-"nance or education of such child at any time until the date when "the child, or, if more than one, the child last to attain the age of "sixteen years, would in ordinary course attain that age".

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 2), 1962, and shall come into operation on 1st May, 1962.

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

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

Edinburgh,
23 March, 1962.

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

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session by providing that where, in an action of divorce, nullity of marriage or separation, the Court has jurisdiction to make provision regarding any child, leave to apply to the Court thereanent shall be reserved in all cases.