STATUTORY INSTRUMENTS

1963 No. 1683 (S. 81)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 2) 1963

Made - - - -	*1st October* 1963
Coming into Operation	*1st October* 1963

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) shall be amended as follows:—

(1) In Rule 357 for the figure "£50" there shall be substituted the words "£250, or when in an action for interim aliment only, by one party to a marriage against the other, the aliment awarded does not exceed the sum of £5 per week in respect of the pursuer and the sum of 30 shillings per week in respect of each child (if any) of the marriage".

(2) At the end of Rule 357 there shall be added after the words "under this Table", the words "or under such scale of the Sheriff Court Table of Charges as may be higher than that appropriate to the sum decerned for".

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 2) 1963, and shall come into operation on 1st October 1963.

3. The amendments made by this Act of Sederunt shall not apply in relation to any proceedings commenced before the date upon which it shall come into operation.

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

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

Edinburgh,
1st October 1963.

(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 Court by raising to £250 the minimum sum for which decree shall have been granted before a pursuer will normally be entitled to Court of Session expenses, and by providing that a pursuer will not normally be entitled to such expenses where in an action for interim aliment the award is such that it could have been decerned for in the Sheriff's small debt court. It also extends the discretion of the Court in certain circumstances to award expenses under a higher scale of Sheriff Court charges than that appropriate to the sum decerned for, as an alternative to awarding Court of Session expenses. The Act of Sederunt takes account of certain provisions of the Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963 (1963 c.22). The amendments to the Rules of Court do not affect proceedings commenced before the date on which it comes into operation.