STATUTORY INSTRUMENTS

1971 No. 202 (S. 31)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 2) 1971

Made - - -	*4th February* 1971
Coming into Operation	*4th March* 1971

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 and declare as follows:—

1. Rule 168 of The Rules of Court (b) is hereby amended by redesignating paragraphs (*b*), (*c*) and (*d*) as (*c*), (*d*) and (*e*) respectively and by adding a new paragraph (*b*) as follows:—

"(*b*) In any action for divorce, nullity of marriage or separation in which the Court may make provision for the custody, maintenance and education of any child of the marriage or of any such child as is mentioned in section 7 of the Act of 1958 intimation shall be made to any local authority having the formal care of any such child, and such local authority may apply to the Court to be heard with respect to the care and maintenance of such child. Any such application shall be made by minute craving leave to be sisted as a party to the action and setting forth any relevant averments with respect to the care and maintenance of the child".

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 2) 1971, and shall come into operation on 4th March 1971.

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

J. L. Clyde

Edinburgh,
4th February 1971. I.P.D.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends the Rules of Court by requiring intimation to be made in an action for divorce, nullity of marriage or separation to a local authority having care of a child of the marriage. It permits such authority to be sisted as a party and to make averments as to the care and maintenance of such child.

(a) 1933 c. 41. (b) S.I. 1965/321 (1965 I, p. 803).