1959 No. 1009 (S. 54)

Act of Sederunt (Rules of Court Amendment No. 4), 1959

Made - - - -	*22nd May*, 1959
Coming into Operation	*22nd May*, 1959

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:—

(i) Rule 36 is hereby repealed.

(ii) Rule 37 is hereby repealed and in lieu thereof it shall be enacted as follows:—

"37. *Index of unextracted processes.* All persons having interest in an unextracted process in the custody of the Keeper of the Records shall have access to the index of such processes and also to exhibition of any such process on payment of fees to be charged at the rates after specified."

(iii) For Rule 38 (*a*) there shall be substituted the following:—

"(*a*) Where a person having interest in an unextracted process in the custody of the Keeper of the Records shall require any such process to be retransmitted to the Office of Court, in either Department, it shall be retransmitted accordingly and an entry shall be made in a book to be kept in the department of the Keeper of the Records recording the retransmission, which shall be signed by the clerk who receives the process."

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 4), 1959, and shall come into operation on 22nd May, 1959.

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

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

Edinburgh.
22nd May, 1959.

EXPLANATORY NOTE

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

This Act of Sederunt repeals and amends the Rules of Court relating to the transmission of unextracted processes to the Keeper of the Records of Scotland.

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