STATUTORY INSTRUMENTS

1962 No. 2748 (S. 120)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 4) 1962

Made - - - - 14*th December* 1962
Coming into Operation 14*th December* 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 :—

By adding after Rule 178 the following Rule—

" 178A. Actions defended on amount of aliment only.

" In any action for divorce, nullity of marriage or separation where " the only matter in dispute is the amount of aliment payable by the " defender, it shall not be necessary for the defender to lodge defences. " Instead the defender shall lodge a minute setting forth the amount of " aliment which he claims should be payable by him, along with a state- " ment of facts in support of his claim. On such minute being lodged " the pursuer may lodge answers thereto within such period as the Court " may allow."

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 4) 1962, and shall come into operation on 14th December 1962.

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

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

Edinburgh.
14th December 1962.

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 only matter in dispute is the amount of aliment payable, the defender, instead of lodging defences, shall lodge a minute setting forth the amount of aliment which he claims should be payable by him, and the reasons therefor.

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