STATUTORY INSTRUMENTS

1964 No. 1697 (S. 108)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 4) 1964

Made - - - -	*22nd October* 1964
Coming into Operation	*22nd October* 1964

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 paragraph (*a*) of Rule of Court 172B:

(i) by adding after the words " Succession (Scotland) Act 1964 " the words " or section 2(1) of the Divorce (Scotland) Act 1938 as amended by section 7 of the Divorce (Scotland) Act 1964," ;

(ii) by adding after the words " or an application " the words " in terms of section 26(1) of the Succession (Scotland) Act 1964 " ;

(iii) by deleting the word " either ", the words " or by separate minute " and the words " or of the minute " where they occur.

(2) In paragraph (*b*) of Rule of Court 172B, by adding after the words " for a periodical allowance," the words " or in terms of section 27 of that Act for an order reducing or varying any settlement or disposition of property belonging to a defender or interdicting a defender from making any such settlement or disposition,".

(3) In paragraph (*c*) of Rule of Court 172B :

(i) by adding after the words " section 26 " the words " or section 27 " ;

(ii) by adding after the words " Succession (Scotland) Act 1964 " the words " or section 2(1) of the Divorce (Scotland) Act 1938 as amended as aforesaid ".

(4) In paragraph (*a*) of Rule of Court 178A :

(i) by adding after the words " under section 26(1) of the Succession (Scotland) Act 1964 " the words " or section 2(1) of the Divorce (Scotland) Act 1938 as amended as aforesaid " ;

(ii) by adding after the words " for the defender " and after the words " Instead the defender " the words " or his curator *ad litem* " in each case ;

(iii) by deleting the figure " (1) " and the comma following it, where they occur after the words " an order under section 26 " ;

(iv) by adding after the words " under section 26(3) and (4) of the Succession (Scotland) Act 1964 " the words " or section 2(1) of the Divorce (Scotland) Act 1938 as amended as aforesaid ".

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

(5) In paragraph (*b*) of Rule of Court 181A, by adding at the end of the paragraph the words : " Subject to the provisions of Rule of Court 172A, the condescendence of the summons in every action on the ground of incurable insanity shall contain a short statement of the respective means of the parties so far as known to the pursuer."

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 4) 1964, and shall come into operation on 22nd October 1964.

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

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

Edinburgh,
22nd October 1964.

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 providing procedure for applications for orders under section 27 of the Succession (Scotland) Act 1964, and under section 2(1) of the Divorce (Scotland) Act 1938 as amended by the Divorce (Scotland) Act 1964. It also provides that the condescendence of the summons in an action on the ground of incurable insanity shall contain a short statement of the respective means of the parties so far as known to the pursuer. It provides that applications under section 26(1) of the Succession (Scotland) Act 1964 shall be made only by concluding for the same.