STATUTORY INSTRUMENTS

1964 No. 1901 (S. 120)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 5) 1964

Made - - - - *27th November* 1964
Coming into Operation *7th January* 1965

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 by deleting the words " designations and addresses of all persons on whom the petition is to be served (distinguishing any upon whom the petition is to be served edictally) shall be set forth either in the narrative or in the prayer " occurring at the end of paragraph (*b*) of Rule of Court 209, and by substituting therefor the words:—" designations, addresses and capacities of all persons on whom the petition is to be served, distinguishing any upon whom the petition is to be served edictally, shall be set forth in a Schedule annexed to the petition and referred to in the prayer ".

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 5) 1964, and shall come into operation on 7th January 1965 and shall apply to all Petitions presented on or after that date.

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

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

Edinburgh,
27th November 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 abolishing the practice whereby (*a*) the designations and addresses of persons on whom a petition is to be served are set forth in the narrative of the Petition and (*b*) the names of said persons are set forth in the prayer of the petition. From the date on which this Act of Sederunt comes into operation, every petition, an order for service of which is sought, shall have annexed to it a Schedule. This Schedule shall set forth the names, designations and addresses of all persons on whom service is sought, and shall also specify the capacities in which service upon them is to be effected (e.g. as tutor, curator, trustee *et cetera* of a certain person or persons, or as an individual, or as the case may be).

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

Where both service in common form and edictal service is sought, the Schedule shall contain two lists, one giving the particulars mentioned above in relation to those persons upon whom service in common form is sought, the other giving the said particulars in relation to those upon whom edictal service is sought. It should, as in present practice, be made clear in the narrative why service on any person is sought. The prayer should ask for an order for service, or for service in common form and edictally, as the case may be, upon the persons named and designed in the Schedule annexed to the petition.