STATUTORY INSTRUMENTS

1971 No. 1797 (S. 191)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 9) 1971

Made - - - 2*nd November* 1971

Coming into Operation 2*nd December* 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. The Rules of Court (**b**) are hereby amended as follows:—

(1) By deleting paragraph (a) of Rule 75A and by substituting a new paragraph (a) of Rule 75A in the following terms:

"(a) In any action in which the Court of Session shall have jurisdiction over a defender or third party furth of Scotland in proceedings founded on delict, service of the summons or where appropriate of the record against such defender or of the third party notice against such third party may be effected, as an alternative to any other method of citation competent apart from this Rule, either personally, or by posting separately in Edinburgh and in the country in which the defender or third party as the case may be is resident, a registered or recorded delivery letter as the nearest equivalent thereof which the available postal services permit, addressed to the defender or third party as the case may be at his residence or place of business enclosing a full copy of the summons, or of the summons and defences, or of the record as the case may be."

(2) In paragraph (b) of Rule 75A, by adding after the word "defender" in each of the two places where it occurs the words "or of the third party as the case may be".

(3) In paragraph (c) of Rule 75A,

(i) by adding after the word "Form 3" the words "Form 6 or Form 7 as the case may be";

(ii) by deleting the words "defender's residence" and by substituting "residence of the defender or third party as the case may be".

(4) In paragraph (d) of Rule 75A, by deleting the words "defender's residence" and by substituting "residence of the defender or third party as the case may be".

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 9) 1971 and shall come into operation on 2nd December 1971.

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

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

Edinburgh,
2nd November 1971.

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

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of Court by making provision for service when a person furth of Scotland is convened by amendment or by third party notice to an action founded on delict.