SCOTTISH STATUTORY INSTRUMENTS

2025 No. 80

COURT OF SESSION

SHERIFF COURT

Act of Sederunt (Rules of the Court of Session 1994 and Ordinary Cause Rules 1993 Amendment) (Miscellaneous) 2025

Made - - - - 19th March 2025

Laid before the Scottish Parliament 21st March 2025

Coming into force in accordance with paragraph 1(3) to (5)

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(**a**), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council with such modifications as it thinks appropriate.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 103(1) and 104(1) of the Courts Reform (Scotland) Act 2014(**b**), section 48 of the Civil Jurisdiction and Judgments Act 1982(**c**) and all other powers enabling it to do so.

Citation, interpretation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 and Ordinary Cause Rules 1993 Amendment) (Miscellaneous) 2025.

(2) In this Act of Sederunt, "the 2019 Hague Convention" means the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters concluded on 2nd July 2019 at The Hague.

(3) Paragraphs 2 and 4 and schedules 1, 2, and 4 come into force on 30th April 2025.

(4) Paragraphs 1(1), (3), (4) and (6), so far as these paragraphs relate to the provisions referred to in sub-paragraph (3), come into force on 30th April 2025.

(5) For all other purposes this Act of Sederunt comes into force on the date on which the 2019 Hague Convention comes into force in respect of the United Kingdom(**d**).

(6) A certified copy is to be inserted in the Books of Sederunt.

(**a**) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(**b**) 2014 asp 18.

(**c**) 1982 c. 27. Section 48 was last amended by the Private International Law (Implementation of Agreements) Act 2020 (c. 24), schedule 5, paragraph 1 and prospectively amended and modified by S.I. 2024/713.

(**d**) This date will be as determined under Article 28(2)(a) of that Convention and will be notified in the London, Edinburgh and Belfast Gazettes.

Amendment of the Rules of the Court of Session 1994 – currency conversion

2.—(1) The Rules of the Court of Session 1994(**a**) are amended in accordance with this paragraph and paragraph 3.

(2) In rule 7.5 (decrees for payment in foreign currency)—

(a) in paragraph (1), for "certified statement of" substitute "declaration in Form 7.5 stating";

(b) for paragraph (2) substitute—

"(2) The declaration required under paragraph (1) must specify the source of the rate of exchange relied upon in the declaration.

(3) On receipt of the documents specified in paragraph (1), the Extractor must, if satisfied with the terms of those documents, sign and date the docquet in Form 7.5.".

(3) In Chapter 62 (recognition, registration and enforcement of foreign judgments, etc.)(**b**)—

(a) in each place where it occurs—

(i) for "the Act of 1920" substitute "the 1920 Act";

(ii) for "the 1920 Act or 1933 Act" substitute "the 1920 or 1933 Act";

(iii) for "the Act of 1933" substitute "the 1933 Act";

(iv) for "the Act of 1966" substitute "the 1966 Act";

(v) for "the Act of 1982" substitute "the 1982 Act";

(vi) for "the Act of 1989" substitute "the 1989 Act";

(vii) for "the Act of 1995" substitute "the 1995 Act";

(viii) for "the Act of 2000" substitute "the 2000 Act";

(b) in rule 62.2 (certificate of currency conversion)(**c**)—

(i) in the heading for "**Certificate**" substitute "**Declaration**";

(ii) in paragraph (1)(a)—

(aa) for "certified statement of" substitute "declaration in Form 62.2 stating";

(bb) at the end omit "and";

(iii) omit paragraph (1)(b);

(iv) for paragraph (2) substitute—

"(2) The declaration required under paragraph (1)(a) must specify the source of the rate of exchange relied upon in the declaration.";

(v) in paragraph (3), for "certificate of currency conversion" substitute "docquet in Form 62.2";

(c) the following provisions are mentioned for the purpose of head (d)—

(i) rule 62.8(2)(c) (registration of judgments under the 1920 Act or 1933 Act)(**d**);

(ii) rule 62.15(2)(c) (registration under the 1966 Act);

(iii) rule 62.22(1)(c) (registration of EU judgments);

(iv) rule 62.32(2)(c) (registration under the 1982 Act, the Council Regulation, the 2005 Hague Convention or the Lugano Convention)(**e**);

(v) rule 62.64(2)(c) (registration for enforcement under this Part)(**f**);

(d) for each provision mentioned in head (c) substitute—

(**a**) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2025/61.
(**b**) Chapter 62 was last amended by S.S.I. 2022/277.
(**c**) Rule 62.2 was amended by S.S.I. 2010/205.
(**d**) Rules 62.8(2)(c), 62.15(2)(c) and 62.22(1)(c) were relevantly amended by S.I. 1996/2168.
(**e**) Rule 62.32 was substituted by S.S.I. 2004/52 and last amended by S.S.I. 2020/440.
(**f**) Rule 62.64 was inserted by S.I. 1996/2168.

"(c) any declaration of currency conversion under rule 62.2(1)(a),";

(e) in rule 62.37 (enforcement of judgments from another part of the United Kingdom in Scotland (money provisions))(**a**), for paragraph (1)(b) substitute—

"(b) any declaration of currency conversion under rule 62.2(1)(a).";

(f) in rule 64.46(2)(c) (registration under the Liner Conferences Act)(**b**), for "certificate of currency conversion under rule 62.2(1)(b)" substitute "declaration of currency conversion under rule 62.2(1)(a)";

(g) in rule 62.54B(1) (registration under the POCA Order in Council of 2005: further provision)(**c**), for "certificate" substitute "declaration";

(h) for rule 62.58(4)(c) (registration of Convention award)(**d**) substitute—

"(c) any declaration of currency conversion under rule 62.2(1)(a).";

(i) in rule 62.72(2)(c) (registration under the Council Regulation)(**e**), for "certificate of currency conversion under rule 62.2(1)(b)" substitute "declaration of currency conversion under rule 62.2(1)(a)";

(4) In the appendix (forms)(**f**)—

(a) after Form 7.1 (form of application to Extractor for extract of a decree)(**g**) insert Form 7.5 (form of declaration of rate of exchange) as set out in schedule 1 of this Act of Sederunt;

(b) for Form 62.2 (form of certificate of currency conversion) substitute Form 62.2 (form of declaration of rate of exchange) as set out in schedule 2 of this Act of Sederunt.

Amendment of the Rules of the Court of Session 1994 – 2019 Hague Convention

3. In Chapter 62—

(a) in Part V of Chapter 62 (Recognition and enforcement of judgments under the Civil Jurisdiction and Judgments Act 1982, Council Regulation (EC) No. 44/2001 of 22nd December 2001, the Convention on choice of court agreements of 30th June 2005 or the Lugano Convention of 30th October 2007)(**h**), for the heading substitute—

"PART V

RECOGNITION AND ENFORCEMENT OF JUDGMENTS UNDER THE CIVIL JURISDICTION AND JUDGMENTS ACT 1982, THE CONVENTION ON CHOICE OF COURT AGREEMENTS OF 30TH JUNE 2005 OR THE CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS IN CIVIL OR COMMERCIAL MATTERS OF 2ND JULY 2019";

(b) in rule 62.26 (application and interpretation of this Part)(**i**)—

(i) for paragraph (1) substitute—

"(1) This Part applies to the recognition and enforcement of a judgment under the 1982 Act, the 2005 Hague Convention or the 2019 Hague Convention.";

(ii) in paragraph (2)—

(**a**) Rule 62.37 was substituted by S.S.I. 2004/52.
(**b**) Rule 62.46(2)(c) was amended by S.I. 1996/2168.
(**c**) Rule 62.54B was inserted by S.S.I. 2005/663.
(**d**) Rule 62.58 was substituted by S.S.I. 2010/205.
(**e**) Rule 62.72 was inserted by S.S.I. 2005/135.
(**f**) The appendix was last amended by S.S.I. 2024/353.
(**g**) Form 7.1 was substituted by S.I. 1996/1756.
(**h**) Part V of Chapter 62 was last amended by S.S.I. 2020/440.
(**i**) Rule 62.26 was last amended by S.S.I. 2020/440.

(aa) omit the definitions of "the Council Regulation" and "judgment";

(bb) after the definition of "the 2005 Hague Convention", insert—

""the 2019 Hague Convention" means the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters concluded on 2nd July 2019 at The Hague(**a**).";

(cc) omit the definitions of "the Lugano Convention" and "Member State";

(c) in rule 62.28 (enforcement of judgments, authentic instruments or court settlements from another Contracting State, Member State or State bound by the Lugano Convention)(**b**)—

(i) for the heading substitute "**Enforcement of judgments from another Contracting State**";

(ii) in paragraph (1)—

(aa) omit sub-paragraphs (a) and (b);

(bb) after sub-paragraph (ba) insert—

"(bb) section 4C of the 1982 Act (registration and enforcement of judgments under the 2019 Hague Convention)(**c**),";

(cc) omit sub-paragraph (c);

(iii) in paragraph (2), for "(3), (3AA)" substitute "(3AA), (3AAA)";

(iv) omit paragraphs (3) and (3A);

(v) after paragraph (3AA) insert—

"(3AAA) For applications to which paragraph (1)(bb) applies, in addition to the information specified in paragraph (2), the following must be produced with the petition—

(a) the exclusive choice of court agreement, a certified copy thereof, or other evidence of its existence; and

(b) in the case referred to in Article 11 (judicial settlements) of the 2019 Hague Convention, a certificate of a court of the State of origin that the judicial settlement or a part of it is enforceable in the same manner as a judgment in the State of origin.";

(vi) in paragraph (3AB) after "Convention" insert "or Article 12(3) of the 2019 Hague Convention";

(vii) in paragraph (4) for "(3), (3AA), (3AB) or (3A)" substitute "(3AA), (3AAA) or (3AB)";

(d) for rule 62.29 (protective measures and interim interdict)(**d**) substitute—

"Protective measures and interim interdict

62.29. On lodging a petition, the petitioner may, at any time until the expiry of the period for lodging an application to set aside a decision referred to in rule 62.34A or a decision being made on such an application, apply by motion for—

(a) a warrant for the execution of protective measures; or

(b) an interim interdict.";

(e) in rule 62.30 (warrant for registration under the 1982 Act, the Council Regulation, the 2005 Hague Convention or the Lugano Convention)(**e**)—

(**a**) For the text of the 2019 Hague Convention, see Schedule 3H of the Civil Jurisdiction and Judgments Act 1982 (c. 27), as introduced by section 3F of that Act and amended by S.I. 2024/713.
(**b**) Rule 62.28 was last amended by S.S.I. 2020/440.
(**c**) 1982 c. 27. Section 4C was inserted by S.I. 2024/713.
(**d**) Rule 62.29 was last amended by S.S.I. 2020/440.
(**e**) Rule 62.30 was last amended by S.S.I. 2020/440.

(i) for the heading substitute "**Warrant for registration under the 2005 Hague Convention or the 2019 Hague Convention**";

(ii) in paragraph (1), from "the 1982 Act" to "the Lugano Convention" substitute "the 2005 Hague Convention or the 2019 Hague Convention";

(iii) in paragraph (2)—

(aa) for "appeal" where it twice occurs substitute "application";

(bb) for sub-paragraph (a) substitute—

"(a) the period within which an application mentioned in rule 62.34A to set aside the interlocutor may be made; and";

(cc) in sub-paragraph (b)(ii), for "its disposal" substitute "a decision has been made on it";

(f) in rule 62.32 (registration under the 1982 Act, the Council Regulation, the 2005 Hague Convention or the Lugano Convention)(**a**)—

(i) for the heading substitute "**Registration under the 2005 Hague Convention or the 2019 Hague Convention**";

(ii) in paragraph (1)—

(aa) omit ", authentic instruments and court settlements";

(bb) omit "the 1982 Act, the Council Regulation,";

(cc) for "the Lugano Convention" substitute "the 2019 Hague Convention";

(g) in rule 62.33 (service of warrant for registration under the 1982 Act, the Council Regulation, the 2005 Hague Convention or the Lugano Convention)(**b**) for the heading substitute "**Service of warrant for registration under the 2005 Hague Convention or the 2019 Hague Convention**";

(h) omit rule 62.34 (appeals under the 1982 Act, the Council Regulation or the Lugano Convention)(**c**).

(i) in rule 62.34A (appeals under section 6B(1) of the 1982 Act (appeals in relation to registration of judgments under the 2005 Hague Convention))(**d**)—

(i) for the heading substitute "**Applications to set aside decisions on registration of judgments under the 2005 Hague Convention or the 2019 Hague Convention**";

(ii) for paragraph (1) substitute—

"(1) An application under section 6B(1)(**e**) or 6C(1)(**f**) of the 1982 Act (applications to set aside decisions on registration of judgments) is to be made by motion—

(a) to the Lord Ordinary; and

(b) within one month of service under rule 62.33 (service of warrant for registration under the 2005 Hague Convention or the 2019 Hague Convention) or within two months of such service where service was executed on a person domiciled in another Contracting State or, as the case may be, State bound by the 2005 Hague Convention or the 2019 Hague Convention.";

(iii) in paragraphs (2) and (3) for "appeal" where it twice occurs substitute "application";

(iv) in paragraph (3) for "appellant" substitute "applicant";

(j) omit rule 62.35 (reclaiming under the 1982 Act, the Council Regulation, the 2005 Hague Convention or the Lugano Convention)(**g**);

(**a**) Rule 62.32 was last amended by S.S.I. 2020/440.
(**b**) Rule 62.33 was last amended by S.S.I. 2020/440.
(**c**) Rule 62.34 was last amended by S.S.I. 2019/85.
(**d**) Rule 62.34A was inserted by S.S.I. 2020/440.
(**e**) Section 6B was inserted by S.I. 2015/1644 and substituted by S.I. 2024/713.
(**f**) Section 6C was inserted by S.I. 2024/713.
(**g**) Rule 62.35 was last amended by S.S.I. 2020/440.

(k) in rule 62.36 (recognition of judgments from another Contracting State, Member State or State bound by the Lugano Convention)(**a**)—

(i) for the heading substitute "**Recognition of judgments from another Contracting State**";

(ii) for paragraph (1) substitute—

"(1) For the purposes of section 4B (registration and enforcement of judgments under the 2005 Hague Convention) or 4C (registration and enforcement of judgments under the 2019 Hague Convention)(**b**) of the 1982 Act, an interlocutor pronounced under rule 62.30(1) (warrant for registration under the 2005 Hague Convention or the 2019 Hague Convention) implies recognition of the judgment so dealt with.";

(iii) omit paragraph (2);

(l) in rule 62.39 (cancellation of registration under the 1982 Act, the Council Regulation, the 2005 Hague Convention or the Lugano Convention)(**c**)—

(i) for the heading substitute "**Cancellation of registration under the 2005 Hague Convention or the 2019 Hague Convention**";

(ii) for paragraph (a) substitute—

"(a) an interlocutor under rule 62.30(1) (warrant for registration under the 2005 Hague Convention or the 2019 Hague Convention) is recalled and registration under rule 62.32 (registration under the 2005 Hague Convention or the 2019 Hague Convention) is ordered to be cancelled by the court further to an application to set aside a decision on registration under rule 64.34A (applications to set aside decisions on registration of judgments under the 2005 Hague Convention or the 2019 Hague Convention); or";

(m) for rule 62.40 (enforcement in another Contracting State or Member State of Court of Session judgments etc.)(**d**) substitute—

"Enforcement in another Contracting State of Court of Session judgments etc.

62.40.—(1) Subject to paragraph (2), where a person seeks to apply under section 12 of the 1982 Act for recognition or enforcement in another Contracting State of a judgment given by the court, the person must apply by letter to the Deputy Principal Clerk for—

(a) a certificate in Form 62.40-A;

(b) a certified copy of the judgment; and

(c) if required, a certified copy of the opinion of the court.

(2) Where a person seeks to apply under Chapter III of the 2005 Hague Convention or Chapter II of the 2019 Hague Convention for recognition or enforcement in another Contracting State of a judgment given by the court, that person must apply by letter to the Deputy Principal Clerk for—

(a) a certificate under Article 13(3) of the 2005 Hague Convention or, as the case may be, Article 12(3) of the 2019 Hague Convention;

(b) a certified copy of the judgment; and

(c) if required, a certified copy of the opinion of the court.

(3) The Deputy Principal Clerk must not issue a certificate under paragraph (1)(a) or (2)(a) unless the person seeking to apply for enforcement produces to the Deputy Principal Clerk an execution of service of the judgment on the person on whom it is sought to be enforced.

(**a**) Rule 62.36 was substituted by S.S.I. 2009/450 and last amended by S.S.I. 2020/440.
(**b**) 1982 c. 27. Section 4B was inserted by S.I. 2015/1644 and amended by S.I. 2024/713. Section 4C was inserted by S.I. 2024/713.
(**c**) Rule 62.39 was substituted by S.S.I. 2004/52 and last amended by S.S.I. 2020/440.
(**d**) Rule 62.40 was last amended by S.S.I. 2020/440.

(4) Where a person seeks to apply under Article 12 of the 2005 Hague Convention or Article 11 of the 2019 Hague Convention for enforcement in another Contracting State of a judgment registered for execution in the Books of Council and Session, that person must apply by letter to the Keeper of the Registers for—

(a) a certificate under Article 13(1)(e) of the 2005 Hague Convention or, as the case may be, Article 12(1)(d) of the 2019 Hague Convention; and

(b) an extract of the judgment.

(5) The Keeper of the Registers must not issue a certificate under paragraph (4) unless there is produced to the Keeper of the Registers an affidavit verifying that enforcement has not been suspended and that the time available for enforcement has not expired.";

(n) in the appendix (forms)(**a**)—

(i) for Form 62.28 (form of petition for registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 or under Article 38, Article 57 or Article 58 of the Lugano Convention)(**b**) substitute Form 62.28 (form of petition for registration of a judgment under section 4B or 4C of the Civil Jurisdiction and Judgments Act 1982, the 2005 Hague Convention or the 2019 Hague Convention) as set out in schedule 3 of this Act of Sederunt; and

(ii) omit Form 62.33 (form of notice of decree and warrant for registration of a judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 or under Article 38, Article 57 or Article 58 of the Lugano Convention)(**c**).

Amendment of the Ordinary Cause Rules 1993 – currency conversion

4.—(1) The Ordinary Cause Rules 1993(**d**) are amended in accordance with this paragraph.

(2) In rule 30.3 (decrees for payment in foreign currency)—

(a) in paragraph (1) omit from "stating" to the end;

(b) for paragraph (2) substitute—

"(2) A declaration in Form G18 stating—

(a) the rate of exchange on the date of the decree sought to be extracted or the date, within 3 days before the date, on which extract is ordered; and

(b) the sterling equivalent;

must be lodged with the minute requesting extract of the decree.";

(c) after paragraph (2) insert—

"(2A) The declaration required under paragraph (2) must specify the source of the rate of exchange relied upon in the declaration.

(2B) On receipt of Form G18, the sheriff clerk must, if satisfied with the terms of the form, sign and date the docquet in Form G18.";

(d) in paragraph (3) for "certificate" substitute "declaration".

(3) In Appendix 1 (forms)(**e**), for Form G18 (form of certificate of rate of exchange) substitute the form set out in schedule 4 of this Act of Sederunt.

(**a**) The appendix was last amended by S.S.I. 2024/353.
(**b**) Form 62.28 was substituted by S.S.I. 2015/26 and last amended by S.S.I. 2020/440.
(**c**) Form 62.33 was substituted by S.S.I. 2015/26 and last amended by S.S.I. 2019/85.
(**d**) The Ordinary Cause Rules 1993 are in schedule 1 of the Sheriff Court (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956 and last amended by S.S.I. 2024/353.
(**e**) Appendix 1 was substituted by S.I. 1993/1956 and last amended by S.S.I. 2024/353.

Saving provision

5. Where an application is made under section 4B of the Civil Jurisdiction and Judgments Act 1982(**a**) (registration and enforcement of judgments under the 2005 Hague Convention) before the date on which the Recognition and Enforcement of Judgments (2019 Hague Convention etc.) Regulations 2024(**b**) come into force, Part V of Chapter 62 of the Rules of the Court of Session 1994 applies to that application as if the amendments made to Part V by paragraph 3 of this Act of Sederunt had not been made.

PAUL CULLEN
Lord President
I.P.D.

Edinburgh
19th March 2025

(**a**) 1982 c. 27. Section 4B was inserted by S.I. 2015/1644 and amended by S.I. 2024/713.
(**b**) S.I. 2024/713.

SCHEDULE 1

Paragraph 2(4)(a)

FORM 7.5

Rule 7.5

Form of declaration of rate of exchange

IN THE COURT OF SESSION

in the

Application of

(*name, designation and address of applicant(s)*)

under rule 7.1 for an extract of a decree of the (*name of court*) of (*date of judgment*) in the cause (*name of pursuer*) against (*name of defender*).

I, (*name of solicitor or agent acting on behalf of applicant* [*or if party litigant, name of applicant*]), declare that:

1. the rate of exchange prevailing at (*date*), being [the date of the decree sought to be extracted] [*or* the date on which the note to the Extractor is lodged] [*or* a date within three days before the date on which the note to the Extractor is lodged], is (*insert rate of exchange*);

2. the source of that rate of exchange is (*specify the source of the rate of exchange*);

3. the sterling equivalent of—

   (a) the principal sum is (£ . p);

   (b) the interest thereon is (£ . p); and

   (c) the expenses is (£ . p),

   at the rate of exchange prevailing at that date.

Date:

(*Signed*)

Applicant [*or* Solicitor [*or* Agent] for the Applicant].

Docquet

In terms of a declaration dated at (*place*) on (*date*), the sterling equivalent of (a) the principal sum is (£ . p); (b) the interest thereon is (£ . p); and (c) the expenses are (£ . p) at the rate of exchange prevailing at that date.

Date:

(*Signed*)

Extractor

SCHEDULE 2

Paragraph 2(4)(b)

FORM 62.2

Rule 62.2(1)(a)

Form of declaration of rate of exchange

IN THE COURT OF SESSION

in the

Application of

(*name, designation and address of applicant(s)*)

under the Civil Jurisdiction and Judgments Act 1982 for registration of a judgment [*or other document*] of the (*name of court*) of (*date of judgment*) in the cause (*name of pursuer*) against (*name of defender*).

I, (*name of solicitor or agent acting on behalf of applicant* [*or if party litigant, name of applicant*]), declare that:

1. the rate of exchange prevailing at (*date*), being [the date of the decree sought to be extracted] [*or* the date on which the note to the Extractor is lodged] [*or* a date within three days before the date on which the note to the Extractor is lodged], is (*insert rate of exchange*);

2. the source of that rate of exchange is (*specify the source of the rate of exchange*);

3. the sterling equivalent of—

   (a) the principal sum is (£ . p);

   (b) the interest thereon is (£ . p); and

   (c) the expenses is (£ . p),

   at the rate of exchange prevailing at that date.

Date:

(*Signed*)

Applicant [*or* Solicitor [*or* Agent] for the Applicant]

Docquet

In terms of a declaration dated at (*place*) on (*date*), the sterling equivalent of (a) the principal sum is (£ . p); (b) the interest thereon is (£ . p); and (c) the expenses are (£ . p) at the rate of exchange prevailing at that date.

Date:

(*Signed*)

Deputy [*or* Assistant] Clerk of Session

SCHEDULE 3

Paragraph 3(n)(i)

FORM 62.28

Rule 62.28(1)

Form of Petition for Registration of a Judgment under section 4B or 4C of the Civil Jurisdiction and Judgments Act 1982, the 2005 Hague Convention or the 2019 Hague Convention

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

PETITION

of

[A.B.] (*designation and address*)

under the Civil Jurisdiction and Judgments Act 1982

For registration of a judgment [*or* judicial settlement] of the (*name of court*) dated the (*day*) of

HUMBLY SHEWETH:-

1. That this petition is presented by (*name*) to register a judgment [*or* judicial settlement] [of the (*name of court*) of (*date of judgment*)].

2. That in the cause in which the judgment [*or* judicial settlement] was pronounced, [A.B.] was pursuer [*or* defender *or* (as the case may be)] and [C.D] was defender [*or* pursuer *or* (as the case may be)].

3. That the petitioner is a party having an interest to enforce the judgment [*or* judicial settlement] because (*state reasons*).

4. That this petition is supported by the affidavit of (*name of deponent*) and the documents produced with it.

5. That the petitioner seeks warrant to register the judgment [*or* judicial settlement] [and for decree in terms thereof] [and for decree to be pronounced in the following or such other terms as to the court may seem proper:– (*state terms in which decree is to be pronounced in accordance with Scots law*)].

6. That the petitioner seeks the authority of the court to execute the protective measure[s] of (*state measures*), for the following reasons (*state reasons*).

7. That this petition is made under section 4B [*or* section 4C] of the 1982 Act and rule 62.28 of the Rules of the Court of Session 1994.

According to Justice etc.

(*Signed*)

Petitioner

[*or* Solicitor [*or* Agent] for Petitioner

[*or* counsel or other person having a right of audience]

SCHEDULE 4

Paragraph 4(3)

Rule 30.3(2)

Form G18

Form of declaration of rate of exchange

SHERIFFDOM OF (*insert name of sheriffdom*) Court ref. no.

AT (*insert place of sheriff court*)

in the

application of

(*name, designation and address of applicant(s)*)

for an extract of a decree of the (*name of court*) of (*date of judgment*) in the cause (*name of pursuer*) against (*name of defender*)

I, (*name of solicitor or agent acting on behalf of applicant* [*or if party litigant, name of applicant*]), declare that:

1. the rate of exchange prevailing at (*date*), being [the date of the decree sought to be extracted] [*or* the date on which this form is lodged] [*or* a date within three days before the date on which this form is lodged] is:–

2. the source of that rate of exchange is (*specify the source of the rate of exchange*);

3. the sterling equivalent of—

   (a) the principal sum is (£ . p);

   (b) the interest thereon is (£ . p); and

   (c) the expenses is (£ . p),

   at the rate of exchange prevailing at that date.

Date (*insert date*):

(*Signed*)

Applicant [*or* Solicitor [*or* Agent] for the Applicant]

(*insert the business address of solicitor*)

Docquet

In terms of a declaration dated at (*place*) on (*date*), the sterling equivalent of (a) the principal sum is (£ . p); (b) the interest thereon is (£ . p); and (c) the expenses are (£ . p) at the rate of exchange prevailing at that date.

Date (*insert date*):

(*Signed*)

Sheriff Clerk

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends Chapter 62 of the Rules of the Court of Session 1994 in consequence of the United Kingdom signing the Hague Convention of 2nd July 2019 on the Recognition and Enforcement of Foreign Judgments on 12th January 2024. Chapter 62 has also been amended to remove spent provisions in Part V.

The 2019 Hague Convention created a common framework for the recognition and enforcement of foreign judgments in civil and commercial matters. The Recognition and Enforcement of Judgments (2019 Hague Convention etc.) Regulations 2024 amend the Civil Jurisdiction and Judgments Act 1982 to incorporate the 2019 Hague Convention into domestic law. The 2024 Regulations also make provision for the implementation of the 2019 Hague Convention, enabling rules of court to make provision for regulating the procedure to be followed.

This Act of Sederunt also amends Chapters 7 and 62 of the Court of Session Rules 1994, Chapter 30 of the Ordinary Cause Rules 1993 and all associated forms. This means that it is no longer necessary for a Bank of England official to prepare a currency conversion certificate for a party to lodge with the court when seeking decrees for payment in a foreign currency. Instead, parties are to make a declaration as to the rate of exchange in force at the date of their choosing. Paragraph 2(3)(a) modernises the definitions of the various Acts referred to in Chapter 62.

The changes relating to currency conversion certificates in paragraphs 2 and 4 and schedules 1, 2 and 4, and related provision in paragraph 1, come into force on 30th April 2025. The rest of this Act of Sederunt commences on the date on which the 2019 Hague Convention comes into force in respect of the United Kingdom.

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