This Act may be cited as the Act of Sederunt (Certificate for admission to Poor's Roll in Sheriff Courts) 1948.

And the Lords appoint this Act to be inserted in the Books of Sederunt and to be printed and published in common form.

T. M. Cooper,
I.P.D.

Edinburgh.
13th July, 1948.

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2. LIQUIDATIONS

Act of Sederunt (Sheriff Court Liquidations) 1948

1948 No. 2293 (S. 186)

Made - - - -	*12th October,* 1948
Laid before Parliament	*14th October,* 1948
Coming into Operation	*22nd October,* 1948

The Lords of Council and Session, under and by virtue of the powers conferred by section 34 of the Administration of Justice (Scotland) Act, 1933, and by section 365 of the Companies Act, 1948, and of all other powers competent to them in that behalf, with a view to adapting the provisions of the Act of Sederunt of 20th March, 1930(a), so far as relating to the Sheriff Court, to the provisions of the Companies Act, 1948, do hereby enact and declare as follows, videlicet:— 23 & 24 Geo. 5. c. 41. 11 & 12 Geo. 6. c. 38.

1. For all references in the said Act of Sederunt and relative forms to the Companies Act, 1929, there shall be substituted references to the Companies Act, 1948 (hereinafter referred to as " the Act "). 19 & 20 Geo. 5. c. 23.

2. All applications for and incidental to the winding up of a company presented to the Sheriff Court shall be regulated by the said Act of Sederunt of 20th March, 1930, subject to the paragraphs and schedule of the said Act of Sederunt mentioned in the first column of the Schedule hereto having effect as if for the references therein to the sections of the Companies Act, 1929, set out in the second column of the Schedule there were substituted references to those sections of the Companies Act, 1948, set out in the third column thereof.

3. There shall be added to paragraph 5 of the said Act of Sederunt the following, videlicet:—" provided that it shall be competent for any company, debenture holder or shareholder who is apprehensive that such a petition will be presented and is desirous of being heard before any order is pronounced, to lodge a caveat with the Sheriff Clerk in the same terms *mutatis mutandis* as a caveat against an apprehended interdict; and in that event no order shall be pronounced except after hearing parties. Any such caveat shall endure for one month but may be renewed by the presenter dating it anew ".

(a) S.R. & O. 1930 (No. 234) p. 273.

4. The reference in paragraph 42 (ii) of the said Act of Sederunt to the price of Form 92 Scot. is hereby repealed.

5. The intimation and advertisement prescribed by paragraph 14 of the said Act of Sederunt shall be made within fourteen days of the date of the order therein referred to, and the said paragraph shall be amended accordingly.

6. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Liquidations) 1948, and shall come into operation on 22nd October, 1948.

And The Lords Appoint this Act of Sederunt to be inserted in the Books of Sederunt and to be printed and published in common form.

T. M. Cooper,
I. P. D.

Edinburgh,
12th October, 1948.

SCHEDULE

Paragraph	Section of Companies Act, 1929	Section of Companies Act, 1948
2	170	224
6	166	220
8	166	220
9	166	220
11	166	220
14	239	294
	249	304
	259	314
21	188	242
22	188	242
24	198	252
36	198	252
	242	297
	238	293
	245	300
37	203	257
42	284	342
44	252	307
52	222	276
54	252	307
Second Schedule ...	284	342

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt effects no material change in the existing practice of Sheriff Courts in relation to winding up of Companies, but is required to bring the procedure into line with the Companies Act, 1948.