PROCEDURE

1954 No. 994 (S. 99)

Act of Sederunt (Sheriff Court Procedure Amendment), 1954

Made - - - - 13*th July*, 1954
Coming into Operation 1*st October*, 1954

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 34 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 Sheriff Courts (Scotland) Act 1907(b) as amended (hereinafter referred to as "the Act") shall be further amended as follows:—

(*a*) In section 48 of the Act there shall be inserted after the words "Small Debt Acts" the words "or any summary cause."

(*b*) In Rule 23 of the First Schedule to the Act before the word "decern" there shall be inserted the words "without requiring the attendance of the pursuer or his agent to move for decree."

(*c*) For Rule 53 of the said Schedule there shall be substituted the following Rule:—"53. *Adjustments of pleadings.* All alterations of or additions to the pleadings shall be made only on the certified copy of the initial writ or the defences as the case may be, and shall be authenticated by the initials of the party making the same or his agent."

(*d*) At the end of the said Schedule there shall be added the following Rules:—

"173. *Transference of Action.* Where any depending cause cannot proceed owing to the death of the defender, and the defender's representatives do not sist themselves as parties in his room, it shall be competent for the pursuer to lodge a minute craving transference of the action, and the procedure prescribed by S. 96 of the Court of Session Act 1868(c) shall thereafter apply *mutatis mutandis* in like manner as it applies in the Court of Session."

"174. *Intimation to paramour.* In any action in which adultery is averred as a ground of action or defence, where the name of the person with whom adultery is alleged to have been committed is disclosed in the action, and such person is not a party to the action, the sheriff shall not allow proof unless the action has been intimated to such person or the sheriff is satisfied that the address of such person is unknown. An order for such intimation may be contained in the original warrant of citation, or intimation may be appointed to be made at a later stage, and such person may apply by minute craving to be sisted as a party and setting forth articulate answers to the allegations made against him or her."

2. In section 6 of the Sheriff Courts (Scotland) Act 1913(d) the words "or if required by either party shall" shall be omitted.

3. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Procedure Amendment), 1954 and shall come into operation on 1st October, 1954.

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

Edinburgh,
13th July, 1954.

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

(a) 23 & 24 Geo. 5 c. 41. (b) 7 Edw. 7 c. 51. (c) 31 & 32 Vict. c. 100.
(d) 2 & 3 Geo. 5. c. 28.

EXPLANATORY NOTE

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

This Act of Sederunt gives effect to recommendations of the Sheriff Court Rules Council for certain minor amendments in procedure in Sheriff Courts.

SITTINGS AND DISTRIBUTION OF BUSINESS

1954 No. 39 (S. 13)

The Sheriff Courts (County of Angus) Order, 1954

Made - - - - 11*th January*, 1954
Coming into Operation 11*th January*, 1954

In exercise of the powers conferred upon me by section 18 and 19 of the Sheriff Courts (Scotland) Act, 1907(**a**), as read with the Secretaries of State Act, 1926(**b**), I hereby order as follows:—

1. The ordinary sittings of the Sheriff Court for Angus at Arbroath shall be held on Friday of each week.

2. The Order made by the Secretary of State dated 9th July, 1887(**c**) (which directed that the ordinary sittings of the Sheriff Court at Arbroath should be held on Wednesday of each week) is hereby revoked.

3. This Order may be cited as the Sheriff Courts (County of Angus) (Scotland) Order, 1954.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
11th January, 1954.

1954 No. 1658 (S. 183)

The Sheriff Courts (County of Argyll) Order, 1954

Made - - - - 10*th December*, 1954
Coming into Operation 10*th December*, 1954

1. I, one of Her Majesty's Principal Secretaries of State, in exercise of the powers vested in me by the Sheriff Courts (Scotland) Act, 1907(**a**) as read with the Secretaries of State Act, 1926(**b**), do hereby direct that the Sheriff Courts (County of Argyll) Order, 1903(**d**), in so far as it directs the holding of courts, the taking of proofs and the hearing of debates at Inveraray, shall cease to have effect, and that this Order shall be recorded in the Sheriff Court Books at Dunoon and published in such manner as the Sheriff of Renfrew and Argyll may direct.

(**a**) 7 Edw. 7. c. 51. (**b**) 16 & 17 Geo. 5. c. 18. (**c**) Rev. XX, p. 756.
(**d**) S.R. & O. 1903/1141 (Rev. XX, p. 742: 1903 II, p. 1313).