STATUTORY INSTRUMENTS

1963 No. 1682 (S. 80)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Sheriff Court Procedure Amendment) 1963

Made - - - - 1*st October* 1963
Coming into Operation 1*st October* 1963

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 :—

(1) In Rule 23 of the First Schedule to the Act, there shall be deleted the words " or interim aliment ".

(2) After Rule 171 of the First Schedule to the Act there shall be added a new Rule as follows :—" 171A. *Recall or variation of decrees for aliment in the small debt court.* Applications for the recall or variation of any decree for payment of aliment pronounced in the small debt court under the Small Debt Acts shall be made by summons narrating the decree sought to be recalled or varied and stating shortly the grounds upon which such recall or variation is sought and the sum or sums of aliment (if any) which the pursuer seeks to have substituted in place of the sum or sums previously decerned for."

(3) In section 45 of the Act there shall be inserted after the words " one hundred and fifty one ", the words " one hundred and seventy one A ".

2. The Act of Sederunt of 7th May 1935(c) shall be amended as follows :—

(1) In section 1 for the figure " £50 " there shall be substituted the figure " £250 ".

(2) In section 2(2) for the figure " £50 " there shall be substituted the figure " £250 ".

(3) In section 2(5) for the figure " £20 " there shall be substituted the figure " £50 ".

(4) At the end of section 2 there shall be added a subsection (6) as follows :—" In actions for interim aliment only, by one party to a marriage against the other, where the aliment awarded does not exceed the sum of £5 per week in respect of the pursuer and the sum of 30 shillings per week in respect of each child (if any) of the marriage, the Sheriff may allow Small Debt Expenses only."

(5) In section 4 for the figure " £50 " there shall be substituted the figure " £250 ".

(a) 23 & 24 Geo. 5. c. 41. (b) 7 Edw. 7. c. 51.
(c) S.R. & O. 1935/488(Rev. XX p. 880 : 1935, p. 1588).

3. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Procedure Amendment) 1963 and shall come into operation on 1st October 1963.

4. The amendments made by this Act of Sederunt shall not apply in relation to any proceedings commenced before the date upon which it shall come into operation.

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

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

Edinburgh,
1st October 1963.

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 Sheriff Courts (Scotland) Act 1907 by removing the need for a proof in undefended actions for interim aliment, and by providing for applications for the recall or variation of small debt decrees for aliment by way of summons. It amends the Act of Sederunt of 7th May 1935 to take account of the provisions of the Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963 (1963 c. 22). The amendments made by this Act of Sederunt do not affect proceedings commenced before the date on which it comes into operation.