STATUTORY INSTRUMENTS

1971 No. 1214 (S.159)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Sheriff Court Procedure Amendment) 1971

Made - - -	23*rd July* 1971
Coming into Operation	23*rd August* 1971

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 and declare as follows:

1. The Sheriff Courts (Scotland) Act 1907(b) (hereinafter referred to as "the Act") shall be amended as follows:

(1) At the end of Rule 5 of the First Schedule to the Act there shall be added the words: "provided that the *induciae* for the citation (other than edictal citation) of a defender under Rule 15B, where the defender is resident in a country outside Europe, shall be three weeks if the citation is personal and six weeks if the citation is postal."

(2) There shall be added after Rule 15A of the First Schedule to the Act, a new Rule as follows:

"15B. (*a*) In any action in which the sheriff shall have jurisdiction over a defender furth of Scotland in proceedings founded on delict, service of the initial writ against such defender may be effected, in addition to any method of citation competent apart from this Rule, either personally, or by posting separately in Scotland and in the country in which the defender is resident a registered or recorded delivery letter or the nearest equivalent thereof which the available postal services permit, addressed to the defender at his residence or place of business enclosing a full copy of the initial writ with relative citation.

(*b*) In the case of edictal citation in an action to which this Rule relates, where the defender has a known solicitor in Scotland or has a known residence or place of business the solicitor for the pursuer shall post a copy of the initial writ with relative citation either to the defender's known solicitor in Scotland or to the defender himself at his residence or place of business.

(*c*) For the purposes of this Rule, personal service shall include service in accordance with the rules for personal service under the domestic law of any part of the United Kingdom so far as such rules permit the service thereby of such initial writ; service by the British Consul or his duly authorised depute or assistant in the country of residence of the defender; and service in accordance with any Convention or service abroad or judicial documents in

(a) 1933 c. 41. (b) 1907 c. 51.

civil matters, to which the United Kingdom and the country of residence of the defender are signatories.

(*d*) Posting in Scotland for the purposes of this Rule shall be effected by a solicitor entitled to practice in the sheriff court. The forms for citation and execution of citation appropriate for citation of a defender within Scotland shall be used, *mutatis mutandis*, for the purposes of this Rule provided that a translation of the citation, in a language of the country of the defender's residence, may be attached if appropriate.

(*e*) On the face of the envelope used for postal service under this Rule there shall be written or printed a notice, with a translation where appropriate in a language of the country of the defender's residence, in the same or similar terms as that which is required in the case of ordinary service by registered letter, and the execution to be returned by the solicitor shall be accompanied by the relative receipt or receipts by the postal authorities receiving the letter or letters."

2. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Procedure Amendment) 1971 and shall come into operation on 23rd August 1971.

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

Edinburgh.
23rd July 1971.

William Grant,
I.P.D.

EXPLANATORY NOTE

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

This Act of Sederunt amends the sheriff court rules by making new provision for the service of an initial writ upon a defender furth of Scotland in an action founded on delict.