SHERIFF COURT, SCOTLAND

Act of Sederunt (Sheriff Court Rules Amendment) 1951

1951 No. 504 (S. 19)

Made - - - -	*9th March*, 1951
Coming into Operation	*1st May*, 1951

The Lords of Council and Session under and by virtue of the powers conferred on them by section 34 of the Administration of Justice (Scotland) Act 1933(a) do hereby enact as follows:—

1. The Rules contained in the First Schedule to the Sheriff Courts (Scotland) Act 1907(b) as amended shall be further amended as follows:—

(i) Rules 45 and 45A shall be repealed and in lieu thereof it shall be enacted as follows,

"45. In the interlocutor pronounced at tabling or otherwise the Court shall appoint the date on which the cause shall appear in the adjustment roll. No continuation of the adjustment after the first shall be allowed except on special cause shewn and the fact that both parties jointly move for a continuation shall not *per se* be treated as a special cause for the purposes of this rule. In considering the sufficiency of a special cause alleged for a continuation, the sheriff shall take into account any additional time which may have been available for adjustment owing to a vacation having intervened in whole or in part after the lodging of defences".

"45A. It shall be the duty of the solicitor for either party on making any adjustment on the initial writ or defences as the case may be to intimate to the solicitor for the other party that he has done so".

"45B. When the pleadings have been adjusted the sheriff shall close the record and make such further order as may be just".

2. Actions which have been dealt with under the Act of Sederunt (Sheriff Court Rules Amendment) 1950(c) but in which the record has not been closed or which have not been otherwise disposed of shall be enrolled by the Sheriff Clerk at the first convenient date in order that the adjustment may be dealt with under the rules as herein enacted.

3. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Rules Amendment) 1951 and shall come into operation on 1st May 1951.

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

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

Edinburgh, 9th March, 1951.

(a) 23 & 24 Geo. 5. c. 41. (b) 7 Edw. 7. c. 51. (c) S.I. 1950 (No. 1157) II, p. 857.