1980 No. 1443 (S.118)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Social Work) (Sheriff Court Procedure Rules Amendment) 1980

Made - - - -	*25th September* 1980
Coming into Operation	*3rd November* 1980

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971(**a**)and of all other powers enabling them in that behalf, and after consultation with the Sheriff Court Rules Council, do hereby enact and declare—

Citation and commencement

1. This Act of Sederunt may be cited as the Act of Sederunt (Social Work) (Sheriff Court Procedure Rules Amendment) 1980 and shall come into operation on 3rd November 1980.

Amendment of Rules

2. In the Act of Sederunt (Social Work) (Sheriff Court Procedure Rules) 1971(**b**), for rule 20, there shall be substituted the following rule—

"20. Persons who may execute citation and intimation under these Rules.

(1) Subject to paragraph 3 of this Rule, citation and intimation shall be executed either—

(a) by a Sheriff Officer of the jurisdiction in which the warrant was issued or of the jurisdiction in which the warrant is to be executed; or

(b) in the case of postal citation and intimation, by a solicitor or a reporter.

(2) In relation to the citation of witnesses and havers, "reporter" in paragraph (1)(b) above means any officer appointed under section 36 of the Act as reporter or as deputy reporter who has held such an appointment for any period or periods amounting to not less than one year, in accordance with the provisions of Regulation 4 of the Reporters (Conduct of Proceedings before the Sheriff) (Scotland) Regulations 1975(**c**).

(3) The Sheriff Clerk shall cite the reporter and the authors or compilers of any reports or statements whom the Sheriff may wish to examine under section 49(2) of theAct."

(**a**) 1971 c.58. (**b**) S.I. 1971/92,amended by S.I. 1972/1671. (**c**) S.I. 1975/2251.

Amendment of forms

3. In the forms in Schedule 1 to the Act of Sederunt (Social Work) (Sheriff Court Procedure Rules) 1971—

(a) in form 10, at the end, immediately below the word "Solicitor*" insert the word "Reporter*", and

(b) for form 11 substitute the following form—

"Rule 18(3) FORM 11

FORM OF EXECUTION OF CITATION OF WITNESSES AND HAVERS

reporter of (local authority)*
on behalf of reporter of (local authority)*

I, (name of person who executed citation)
sheriff officer*
solicitor*

lawfully cited (name of witness) by—

[delivering a copy of the foregoing citation to him in person at (place) on (date)].*

[leaving a copy of the foregoing citation for him at his dwellinghouse* / place of business* at (address) on (date)].*

[leaving a copy of the foregoing citation for him on board (name of vessel) at (place) on (date)].*

[sending a copy of the foregoing citation to him in a recorded delivery* / registered* letter

and the post office receipt for the said letter accompanies this certificate].*

(to be signed by person who executed the citation)

Sheriff Officer*
Solicitor*
Reporter*

*delete as appropriate "

Transitional

4. Nothing in this Act of Sederunt shall affect any application under section 42 of the Social Work (Scotland) Act 1968(a) or any appeal under section 49 of that Act commenced before the date of the coming into operation of this Act of Sederunt, and any such application or appeal shall proceed according to the law and practice in force immediately before that date.

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

Emslie
Lord President
I.P.D.

Edinburgh
25th September 1980

(a) 1968 c.49.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Act of Sederunt (Social Work) (Sheriff Court Procedure Rules) 1971 by making provision for postal citation of witnesses and havers by Reporters and Deputy Reporters qualified under the Reporters (Conduct of Proceedings before the Sheriff) (Scotland) Regulations 1975 including citation of a child and intimation to a parent, and for consequential amendments to Forms 10 and 11.

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