SCOTTISH STATUTORY INSTRUMENTS

2005 No. 20

SHERIFF COURT

Act of Sederunt (Ordinary Cause Rules) Amendment (Caution and Security) 2005

Made - - - -	*18th January 2005*
Coming into force - -	*1st February 2005*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(**1**) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Ordinary Cause Rules) Amendment (Caution and Security) 2005, and shall come into force on 1st February 2005.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of the Ordinary Cause Rules

2.—(1) The Ordinary Cause Rules in Schedule 1 to the Sheriff Courts (Scotland) Act 1907(**2**) are amended in accordance with sub paragraphs (2) and (3).

(2) In rule 27.5 (cautioners and guarantors) for the words from "obtained" to the end substitute "shall be given only by a person who is an 'authorised person' within the meaning of section 31 of the Financial Services and Markets Act 2000(**3**)".

(3) In rule 27.6(2) (form of bonds of caution and other securities) for the words from "by" to the end substitute "by a person shall state whether that person is an 'authorised person' within the meaning of section 31 of the Financial Services and Markets Act 2000".

(**1**) 1971 c. 58. Section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4), the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 13 and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43 and was extended by the Child Support Act 1991 (c. 48), sections 39(2) and 49.

(**2**) 1907 c. 51. Schedule 1 was substituted by S.I.1993/1956 and amended by S.I. 1996/2167 and 2445, S.S.I. 2000/239 and 408, 2001/8 and 144, 2002/7, 128 and 566, 2003/25 and 26 and 2004/197 and 350.

(**3**) 2000 c. 8.