SCOTTISH STATUTORY INSTRUMENTS

2004 No. 291

COURT OF SESSION

Act of Sederunt (Rules of the Court of Session Amendment No. 4) (Personal Injuries Actions) 2004

Made - - - -	*8th June 2004*
Coming into force - -	*29th June 2004*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 5 of the Court of Session Act 1988(**1**) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No. 4) (Personal Injuries Actions) 2004 and shall come into force on 29th June 2004.

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

Amendment of the Rules of the Court of Session

2.—(1) The Rules of the Court of Session 1994(**2**) shall be amended in accordance with the following sub-paragraphs.

(2) For rule 43.1(3) (disapplication of certain rules to personal injuries actions), there shall be substituted the following:–

"(3) The following rules shall not apply to an action to which this Chapter applies–

rule 4.9(2) (prorogation of time for lodging document),

rule 6.2 (fixing and allocation of diets in Outer House),

rule 13.2 (form of summonses),

rule 13.6A(1)(a) (arrestment to found jurisdiction),

rule 13.7 (service and intimation of summonses),

rule 13.13(6) (falling of instance),

rule 18.1(1)(b) (defences to include pleas-in-law),

(**1**) 1988 c. 36; section 5 was amended by the Civil Evidence (Scotland) Act 1988 c. 32, section 2(3) and by the Children (Scotland) Act 1995 c. 36, Schedule 4, paragraph 45.

(**2**) S.I.1994/1443, last amended by S.S.I. 2004/151.

rule 22.1 (making up open record),

rule 22.2 (adjustment),

rule 22.3 (closing record),

rule 36.3 (lodging productions).".

(3) In the appendix for Form 43.2–A (form of summons and backing in personal injuries action) and Form 43.2–B (form of order of court in personal injury action for recovery of documents) there shall be substituted respectively the forms set out in the Schedule to this Act of Sederunt.

Edinburgh
8th June 2004

Cullen of Whitekirk
Lord President I.P.D.

SCHEDULE

Form 43.2-A**Form of summons and backing in personal injuries action**

Rule 43.2(1)

[Insert the Royal Arms in Scotland]

(This space will contain the cause reference number assigned to the summons on being presented for signeting and registration)

IN THE COURT OF SESSION

SUMMONS

(Personal injuries action)

[A.B.] (*designation and address*), Pursuer

against

[C.D.] (*designation and address*), Defender

Elizabeth II, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith, to [C.D.].

By this summons, the pursuer craves the Lords of our Council and Session to pronounce a decree against you in terms of the conclusions appended to this summons. If you have any good reason why such decree should not be pronounced, you must enter appearance at the Office of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ, within three days after the date of the calling of the summons in court. The summons shall not call in court earlier than (*enter period of notice*) days after it has been served on you. **Be warned that, if appearance is not entered on your behalf, the pursuer may obtain decree against you in your absence.**

This summons is warrant for intimation to (*name and address and reason for intimation as set out in the rule of the Rules of the Court of Session 1994 requiring intimation*).

Given under our Signet at Edinburgh on (*date*).

(*Signed*)

(*Name and address of or agent for pursuer*)

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CONCLUSIONS

FIRST. For payment by the defender to the pursuer of the sum of (*amount of sum in words and figures*).

SECOND. [*enter only if a claim for provisional damages is sought in terms of rule 43.2(2)*] For payment by the defender to the pursuer of (*enter amount in words and figures*) of provisional damages.

THIRD. For the expenses of the action