SCOTTISH STATUTORY INSTRUMENTS

2001 No. 144

SHERIFF COURT

Act of Sederunt (Ordinary Cause Rules) Amendment (European Matrimonial and Parental Responsibility Jurisdiction and Judgments) 2001

Made - - - -	*30th March 2001*
Coming into force - -	*2nd April 2001*

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 Sheriff Courts (Scotland) Act 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 (European Matrimonial and Parental Responsibility Jurisdiction and Judgments) 2001 and shall come into force on 2nd April 2001.

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

Amendment of Ordinary Cause Rules 1993

2.—(1) The Ordinary Cause Rules in Schedule 1 to the Sheriff Courts (Scotland) Act 1907(**2**) shall be amended in accordance with the following paragraphs.

(2) In rule 33.2 (averments in actions of divorce or separation about other proceedings) in paragraph (2)(b)(v), after "Domicile and Matrimonial Proceedings Act 1973" insert "or Council Regulation (EC) No. 1347/2000 of 29th May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses"(**3**).

(3) After rule 33.27 (affidavits), insert the following rule:–

(**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), and the Adults with Incapacity (Scotland) Act 2000, (asp 4), Schedule 5, paragraph 13, and was extended by sections 39(2) and 49 of the Child Support Act 1991 (c. 48).

(**2**) 1907 c. 51; Schedule 1 was substituted by S.I.1993/1956 and amended by S.I. 1996/2167 and 2445 and by S.S.I. 2000/239 and 408.

(**3**) O.J. No. L 160, 30.6.00, p.19

"**Applications for European matrimonial certificates**

33.27A.—(1) The sheriff shall, on the request of any interested party, issue a certificate in Form F42 or Form F43, pursuant to Article 32 of Council Regulation (EC) No. 1347/2000 of 29th May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses.

(2) Any request under paragraph (1) shall be made by the interested party by letter addressed to the sheriff clerk of the court where the decree to which the request relates was granted, and shall be accompanied by any execution of service or intimation of the judgment to the defender.".

(4) After Form F41 in the Schedule, insert the forms as set out in the Schedule to this Act of Sederunt.

Edinburgh
30th March 2001

Rodger of Earlsferry
Lord President, I.P.D.

SCHEDULE

FORM F42

Rule 33.27A(1)

Form of Certificate under Article 32 of Council Regulation (EC) No 1347/2000 of 29th May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses

Matrimonial matters

Sheriffdom of (*insert name of sheriffdom*)

at (*insert place of Sheriff Court*)

I hereby certify, pursuant to Article 32 of Council Regulation (EC) No. 1347/2000 of 29th May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses, concerning judgments in matrimonial matters, the following:

1. Member State of origin: (*insert country*)

2. Court or authority issuing the certificate:

   2.1 Name: Sheriff Court of (*insert name*)

   2.2 Address: (*insert address of sheriff court*)

   2.3 Tel/Fax/E-mail: (*insert Tel/Fax/E-mail*)

3. Marriage:

   3.1 Wife:

      3.1.1 Full Name: (*insert name*)

      3.1.2 Country and place of birth: (*insert country and place*)

      3.1.3 Date of birth: (*insert date*)

   3.2 Husband:

      3.2.1 Full Name: (*insert name*)

      3.2.2 Country and place of birth: (*insert country and place*)

      3.2.3 Date of birth: (*insert date*)

   3.3 Country, place (where available) and date of marriage

      3.3.1 Country of marriage: (*insert country*)

      3.3.2 Place of marriage (where available): (*insert place*)

      3.3.3 Date of marriage: (*insert date*)