SCOTTISH STATUTORY INSTRUMENTS

2000 No. 408

SHERIFF COURT

Act of Sederunt (Ordinary Cause Rules) Amendment (No. 2) (Pension Sharing on Divorce etc.) 2000

Made - - - - 16th November 2000

Coming into force - - 1st December 2000

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 (No. 2) (Pension Sharing on Divorce etc.) 2000 and shall come into force on 1st December 2000.

(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 Chapter 33 (family actions)–

(a) at the end of rule 33.7(1)(k), for ", and" substitute ";"; and

(b) in rule 33.7(1)(l)–

(i) for "trustees or managers of the pension scheme" substitute "person responsible for the pension arrangement"; and

(ii) insert at the end–

"; and

(**1**) 1971 c. 58; section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, by the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4), and by the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2).

(**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.

(m) in an action where a pursuer makes an application for an order under section 8(1)(baa) of the Act of 1985 (pension sharing orders), to the person responsible for the pension arrangement and a notice of intimation in Form F12B shall be attached to the initial writ intimated to any such person.".

(3) In Appendix 1 (forms)–

(a) in the heading of Form F12A, for "trustees or managers of pension scheme" substitute "person responsible for pension arrangement"; and

(b) after Form F12A insert the form set out in the Schedule to this Act of Sederunt.

Edinburgh
16th November 2000

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