SCOTTISH STATUTORY INSTRUMENTS

1999 No. 109

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of the Court of Session Amendment No.7) (Miscellaneous) 1999

Made - - - -	*7th October 1999*
Coming into force - -	*29th October 1999*

The Lords of Council and Session, under and by virtue of the powers conferred on 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. 7) (Miscellaneous) 1999 and shall come into force on 29th October 1999.

(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) In rule 22.2(4) (party enrolling motion during adjustment period to lodge copy of record), for "lodge in process" there shall be substituted "make available for the use of the court".

(3) In rule 42.14(3)(b) (which specifies a factor to be taken into account in determining whether an additional fee is to be allowed), at the end there shall be added "or the exceptional urgency of the steps taken by him".

(4) After rule 49.27 there shall be inserted—

"**Expenses of curator ad litem appointed to a child**

49.27A. Where in any family action a curator *ad litem* is appointed to a child, the pursuer shall be responsible, in the first instance, for payment of the fees and outlays of the curator

(**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.

ad litem incurred during the period from his appointment until the occurrence of any of the following events—

(a) the lodging of a minute by the curator stating that he does not intend to lodge defences;

(b) the curator instructing the lodging of defences or a minute adopting defences which are already lodged; or

(c) the discharge, before the occurrence of the events mentioned in sub-paragraphs (a) and (b), of the curator.".

(5) In rule 59.1 (applications for letters of arrestment or inhibition)—

(a) in paragraph (1)—

(i) the word "or" immediately preceding sub-paragraph (e) shall be omitted; and

(ii) after that sub-paragraph there shall be added

"or

(f) Form 59.1-F (inhibition on contract for transfer of heritable property)"; and

(b) in paragraph (4), after "59.1-D" there shall be inserted "or is in Form 59.1-F".

(6) In the Appendix, after Form 59.1-E there shall be inserted as Form 59.1-F the form in the Schedule to this Act of Sederunt.

Edinburgh,
7th October 1999

Rodger of Earlsferry
Lord President I.P.D.