SHERIFF COURT, SCOTLAND

1. *Certificate for Admission to Poor's Roll.*
2. *Liquidations*, p. 3987.
3. *Unopposed Executry Petitions*, p. 3989.

1. CERTIFICATE FOR ADMISSION TO POOR'S ROLL

Act of Sederunt (Certificate for Admission to Poor's Roll in Sheriff Courts) 1948

1948 No. 1678 (S. 148)

Made - - - - 13*th July*, 1948
Coming into Operation 13*th July*, 1948

23 & 24 Geo. 5. c. 41. 7 Edw. 7. c. 51.

The Lords of Council and Session, under and by virtue of the powers conferred by section 34 of the Administration of Justice (Scotland) Act, 1933 and of all other powers competent to them in that behalf, do hereby enact and declare that Rule 162 of the First Schedule to the Sheriff Courts (Scotland) Act, 1907 shall be and is hereby repealed and that the following Rule shall be substituted:—

" 162. Along with his application for the benefit of the poor's roll the applicant shall produce an affidavit setting forth his circumstances in terms of the Form appended hereto, such affidavit to be sworn before a Justice of the Peace, Notary Public, Sheriff Clerk or Depute Sheriff Clerk or before any person entitled to administer oaths in Scotland, no fee being exigible in respect thereof."

Form of Affidavit

" At ..... on ..... in presence of ..... Justice of the Peace (or as the case may be) compeared ..... (name, designation and address of applicant), who, being solemnly sworn, depones:—

That he is an applicant for the benefit of the Poor's Roll to enable him to carry on an action in the Sheriff Court at ..... at his instance against ..... (*or* against him at the instance of ..... *or* as the case may be).

That he is ..... years of age, married (or unmarried) having the following persons wholly (or partially) dependent on him (state family circumstances, giving number and ages of children or dependants).

That his occupation is that of ..... and his weekly earnings are .....

That he is possessed of (state total estate).

That he is in receipt of ..... (state weekly amount of any pension, allowance, benefit or grant and its nature).

That he has not at present any other action depending at his instance or against him in any Scottish Court.

All which is truth as the deponent shall answer to God.

..... (Signature of applicant).

..... (Signature of J.P. or Commissioner)."

This Act may be cited as the Act of Sederunt (Certificate for admission to Poor's Roll in Sheriff Courts) 1948.

And the Lords appoint this Act to be inserted in the Books of Sederunt and to be printed and published in common form.

T. M. Cooper,
I.P.D.

Edinburgh.
13th July, 1948.

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2. LIQUIDATIONS

Act of Sederunt (Sheriff Court Liquidations) 1948

1948 No. 2293 (S. 186)

Made - - - -	*12th October,* 1948
Laid before Parliament	*14th October,* 1948
Coming into Operation	*22nd October,* 1948

The Lords of Council and Session, under and by virtue of the powers conferred by section 34 of the Administration of Justice (Scotland) Act, 1933, and by section 365 of the Companies Act, 1948, and of all other powers competent to them in that behalf, with a view to adapting the provisions of the Act of Sederunt of 20th March, 1930(a), so far as relating to the Sheriff Court, to the provisions of the Companies Act, 1948, do hereby enact and declare as follows, videlicet:— 23 & 24 Geo. 5. c. 41. 11 & 12 Geo. 6. c. 38.

1. For all references in the said Act of Sederunt and relative forms to the Companies Act, 1929, there shall be substituted references to the Companies Act, 1948 (hereinafter referred to as " the Act "). 19 & 20 Geo. 5. c. 23.

2. All applications for and incidental to the winding up of a company presented to the Sheriff Court shall be regulated by the said Act of Sederunt of 20th March, 1930, subject to the paragraphs and schedule of the said Act of Sederunt mentioned in the first column of the Schedule hereto having effect as if for the references therein to the sections of the Companies Act, 1929, set out in the second column of the Schedule there were substituted references to those sections of the Companies Act, 1948, set out in the third column thereof.

3. There shall be added to paragraph 5 of the said Act of Sederunt the following, videlicet:—" provided that it shall be competent for any company, debenture holder or shareholder who is apprehensive that such a petition will be presented and is desirous of being heard before any order is pronounced, to lodge a caveat with the Sheriff Clerk in the same terms *mutatis mutandis* as a caveat against an apprehended interdict; and in that event no order shall be pronounced except after hearing parties. Any such caveat shall endure for one month but may be renewed by the presenter dating it anew ".

(a) S.R. & O. 1930 (No. 234) p. 273.