STATUTORY INSTRUMENTS

1962 No. 1517 (S. 65)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Enforcement Abroad of Sheriff Court Judgments) 1962

Made - - - - 17*th July* 1962
Coming into Operation 17*th July* 1962

The Lords of Council and Session, under and by virtue of the powers conferred upon them by Section 34 (1) of the Administration of Justice (Scotland) Act 1933(a), and of all other powers competent to them in that behalf, do hereby enact as follows:—

1. *Interpretation*—In this Act of Sederunt—

"Sheriff" includes Sheriff-substitute;

"Sheriff-Clerk" includes Sheriff-Clerk Depute;

"Initial writ" means the statement of claim, petition, note of appeal or other document by which the action is initiated.

2. An application for a certified copy of a judgment obtained in a Sheriff Court, made for the purpose of the enforcement of the judgment abroad, shall be made in that Sheriff Court by minute lodged in the process in which the judgment was obtained. There shall be lodged with the minute either an extract decree setting forth the judgment or a copy of the judgment. The Sheriff, on being satisfied, by affidavit or by other proper evidence, as to the purpose for which the application is being made, shall pronounce an order ordaining the Sheriff-Clerk to issue a certified copy of the judgment. The certificate shall be in the following terms:—

"I certify that the foregoing is a true copy of a judgment obtained in the Sheriff Court and that this certificate is issued for the purpose of the enforcement of the judgment abroad and in obedience to an order by the Sheriff of dated

(Signed)
Sheriff-Clerk."

3. There shall be issued along with the foregoing certificate the following further certificate also certified by the Sheriff-Clerk—

A certificate, enumerating and identifying and having annexed to it; (1) a copy of the initial writ by which the proceedings were initiated, showing the manner in which the initial writ was served on the defender or respondent and whether the defender or respondent appeared thereto, and the objections made to the jurisdiction if any; (2) a copy of the pleadings, if any, in the proceedings; (3) a copy of the opinion or note, if any, of the Sheriff, and (4) a statement of such other particulars

(a) 23 & 24 Geo. 5. c. 41.

as it may be necessary to give to the foreign tribunal in which it is sought to obtain execution of the judgment. Copies of the foregoing documents shall be supplied where necessary by the person making the application.

4. This Act of Sederunt may be cited as the Act of Sederunt (Enforcement Abroad of Sheriff Court Judgments) 1962, and shall come into operation on 17th July 1962.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. CLYDE,
I.P.D.

Edinburgh,
17th July 1962.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt lays down the procedure to be followed in applications to the Sheriff for certified copies of judgments obtained in the Sheriff Court, for the purpose of the enforcement of such judgments abroad in those countries with which the United Kingdom has concluded conventions which provide for the reciprocal enforcement of judgments, and which include judgments given in the Sheriff Court among those which may be enforced abroad.