STATUTORY INSTRUMENTS

1978 No. 690 (S.62)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 4) (Commercial Causes) 1978

Made - - - -	*5th May* 1978
Coming into Operation	*29th May* 1978

The Lords of Council and Session under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933**(a)** and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 4) (Commercial Causes) 1978 and shall come into operation on 29th May 1978.

(2) The Interpretation Act 1889**(b)** shall apply to this Act of Sederunt as it applies to an Act of Parliament.

Accelerated procedure for commercial causes

2. In the Rules of Court**(c)**,

(*a*) in rule 148 (the commercial list),—

(i) in paragraph (*a*), for the words "at the closing of the record" substitute the words "at any time not later than 14 days after the closing of the record";

(ii) in paragraph (*c*), for the words "the pursuer shall within seven days after the day on which the summons is called" substitute the words "the pursuer may within 7 days after the day on which the summons is called enrol a motion that the cause be put in the list of commercial causes in terms of this paragraph. If this motion is granted a statement in numbered paragraphs setting out the issues between the parties shall be adjusted at the sight of the Court and thereafter the cause shall be put out for hearing by the Lord Ordinary. If the motion is refused the pursuer shall within 7 days thereafter";

(iii) add at the end the following paragraph:—

"(*d*) At any time not later than 14 days after the closing of the Record any party to a cause arising or relating as aforesaid may enrol a motion that the cause be put on the list of commercial causes, and on the granting of any such motion the procedure thereafter shall be as for causes on the commercial list. If the Lord Ordinary shall refuse the motion the cause shall proceed as an ordinary cause.";

(a) 1933 c. 41. **(b)** 1889 c. 63. **(c)** S.I. 1965/321.

(*b*) in rule 150 (summary procedure), omit the words from "at any time" to "therein referred to)".

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

G. C. Emslie,
I.P.D.

Edinburgh
5th May 1978.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt.*)

This Act of Sederunt amends the Rules of the Court of Session by making further provision in respect of the procedure in commercial causes for the purpose of enabling the normal procedure in such causes to be accelerated.

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