STATUTORY INSTRUMENTS

1979 No. 670 (S. 60)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 3) (International Oil Pollution Compensation Fund) 1979

Made - - - -	12*th June* 1979
Coming into Operation	3*rd July* 1979

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 section 6(2) of the Merchant Shipping Act 1974(**b**) 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 Court Amendment No. 3) (International Oil Pollution Compensation Fund) 1979 and shall come into operation on 3rd July 1979.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Provisions relating to International Oil Pollution Compensation Fund

2. In the Rules of Court(**c**)—

(*a*) after rule 147, there is inserted the following rule—

"147A International Oil Pollution Compensation Fund—

(1) In any action brought against an owner or guarantor in respect of liability under section 1 of the Merchant Shipping (Oil Pollution) Act 1971(**d**), notice of the action shall be given under section 6(2) of the said Act of 1974 to the Fund by the pursuer by intimation in accordance with the provisions of paragraph (2).

(2) Where intimation is proposed to be made to the Fund under this rule, the official printed form of summons shall be filled up so as to contain a warrant for intimation in the following terms—

"Warrant to intimate to the International Oil Pollution Compensation Fund (*address*) as a person having an interest in this action";

and rule 76 shall apply to the execution of a warrant under this rule as it applies to the execution of a warrant under that rule with the substitution for the reference to Form 5 of a reference to Form 5C.

(3) In any case where the Fund is not a party to an action to which this rule applies, a defender in the action may in accordance with the provisions of rule 85 (third party notices) apply to the Court for leave to serve a third party notice on the Fund, and the provisions of rule 85 shall apply to any such application.

(a) 1933 c. 41. (b) 1974 c. 43. (c) S.I. 1965/321. (d) 1971 c. 59.

(4) Where in any proceedings under section 4 of the said Act of 1974 the Court gives judgment against the Fund, the Clerk of Court shall within 14 days of the issue of the judgment send a copy thereof to the Fund";

(*b*) in the Appendix, there is inserted after Form 5B the following Form—

" Form 5C

Form of intimation to the International Oil Pollution Compensation Fund.

To the International Oil Pollution Compensation Fund (*address*) take Notice that an action, a copy of the summons in which is prefixed hereto, has been raised by (*name and designation*) against (*name and designation*) in which the Court may make an order which is binding upon you, and that you may if you so desire apply to the Court for leave to appear as a party to the action within 14 days after the calling of the summons in Court which will not be earlier than days from the date of service hereof.

The date of service hereof is reckoned as commencing on the expiry of 24 hours after the date of posting hereof.

Dated this (*insert date of posting*)

(*Address*)

(*signed*)
(*Solicitor for Pursuer*) ".

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

Edinburgh.
12th June 1979.

EXPLANATORY NOTE

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

This Act of Sederunt makes new provision in the Rules of the Court of Session in respect of service in actions where compensation may be payable by the International Oil Pollution Compensation Fund under the Merchant Shipping Act 1974 and in respect of the Fund being informed of certain judgments of the Court.

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