STATUTORY INSTRUMENTS

1984 No. 1955 (S.157)

SUMMARY JURISDICTION, SCOTLAND

Act of Adjournal (Applications to District Court under s. 49 of Civic Government (Scotland) Act 1982) 1984

Made - - - - -	13*th December* 1984
Coming into Operation	7*th January* 1985

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary, under and by virtue of the powers conferred upon them by section 457 of the Criminal Procedure (Scotland) Act 1975**(a)** as applied by section 4(2) of the District Courts (Scotland) Act 1975**(b)** and of all other powers enabling them in that behalf, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Applications to District Court under s. 49 of Civic Government (Scotland) Act 1982) 1984 and shall come into operation on 7th January 1985.

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

Applications to District Court in respect of annoying creatures

2.—(1) An application to a District Court under section 49(3) of the Civic Government (Scotland) Act 1982**(c)** (annoying creatures) shall be made in the form set out in the Schedule to this Act of Adjournal, or as nearly as may be in that form.

(2) On the lodging of any such application, the District Court shall make an order for service of a copy of the application on any person mentioned in the application as having the creature so mentioned in his charge or keeping the creature, and fixing a date and time for the hearing of the application.

(3) A copy of the application and of the order made under sub-paragraph (2) shall be served on any such person by recorded delivery at the normal place of residence or place of business of that person, and such service shall be treated as sufficient notice to that person of the terms of the application and the order for the purposes of subparagraph (4).

(a) 1975 c. 21. **(b)** 1975 c. 20. **(c)** 1982 c. 45.

(4) If any person upon whom service has been made in accordance with sub-paragraph (3) fails to appear or be represented at the time and date of the hearing specified in the order without reasonable excuse, the Court may proceed to hear and decide the application in his absence.

(5) Where the Court makes an order in respect of any person under section 49(*2*) of the said Act of 1982, the clerk of court shall, within 7 days of the date on which the order was made, serve on that person by recorded delivery at the normal place of residence or place of business of that person, a copy of the order and a notice setting out the terms of section 49(*4*) of the said Act.

Emslie,
Lord Justice General
I.P.D.

Edinburgh,
13th December 1984.

SCHEDULE

FORM OF APPLICATION UNDER s. 49 OF CIVIC GOVERNMENT (SCOTLAND) ACT 1984

IN THE DISTRICT COURT OF

APPLICATION
under
The Civic Government (Scotland) Act 1982,
Section 49(2) and (3)
I.C.
A.B. (name and design),
Complainer:
against
C.D. (name and design),
Respondent:

Humbly Sheweth:

1. That A.B. is resident at (specify address).
2. That C.D. occupies premises at (specify address or place) being in the vicinity of (specify A.B.'s address).
3. That at said premises C.D. keeps (here identify the creature and describe the circumstances in which said creature is kept).
4. (Here describe in detail the circumstances in which it is alleged said creature is causing annoyance).

May it therefore please the Court to order service of a copy of this application upon the said C.D.; to fix a date for the hearing of this application not earlier than 14 days after such service and thereafter to make an Order upon the said C.D. to take within such period as may be specified in the Order such steps (short of destruction of the creature) as may be so specified to prevent the continuance of the annoyance.

(Signed)/

(complainer, or his solicitor, name, address, Tel. No.)

EXPLANATORY NOTE

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

This Act of Adjournal makes provision for the procedure in an application to the District Court under section 49(3) of the Civic Government (Scotland) Act 1982 relating to annoying creatures.

SI 1984/1955
ISBN 0-11-047955-6

