STATUTORY INSTRUMENTS

1986 No. 799 (S. 75)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 4) (Liner Conferences) 1986

Made - - - -	1*st May* 1986
Coming into Operation	26*th May* 1986

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 16 of the Administration of Justice (Scotland) Act 1933(**a**), section 9(5) of the Merchant Shipping (Liner Conferences) Act 1982(**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. 4) (Liner Conferences) 1986 and shall come into operation on 26th May 1986.

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

Amendment of the Rules of the Court of Session

2. After rule 249A of the Rules of the Court of Session (**c**), insert the following section:—

"SECTION 8B

REGISTRATION FOR ENFORCEMENT OF RECOMMENDATIONS, DETERMINATIONS AND AWARDS UNDER SECTION 9 OF THE MERCHANT SHIPPING (LINER CONFERENCES) ACT 1982

249B Application for registration

(1) An application for registration for enforcement of a recommendation, determination or award under section 9 of the Merchant Shipping (Liner Conferences) Act 1982 (in this section referred to as "the Act of 1982") shall be made by petition presented to the Outer House.

(2) Rules 192 and 195 to 197 shall not apply to a petition under this section.

(3) A petition under paragraph (1) shall—

(**a**) 1933 c. 41.
(**b**) 1982 c. 37.
(**c**) S.I. 1965/321; relevant amending instrument is S.I. 1971/1809.

(a) set forth the reasons for which registration for enforcement is sought; and

(b) state, if it is the case, that the recommendation is not unenforceable under section 9(2) of the Act of 1982.

(4) In a petition for registration for enforcement of a recommendation, there shall be produced with the petition—

(a) a certified copy of the recommendation, the reasons therefor and the record of settlement;

(b) where the recommendation, the reasons or the record of settlement are in a language other than English, a translation into English certified by a person qualified to do it; and

(c) a copy of the acceptance of the recommendation by the parties upon whom it is binding.

(5) In a petition for registration for enforcement of a determination or award of costs, there shall be produced with the petition a certified copy of the determination or award.

(6) The motion to grant the prayer of the petition shall be dealt with in the Outer House by a Lord Ordinary and shall not require an appearance for the petitioner unless the court so requires.

(7) Where the court requires an appearance under paragraph (6), the hearing shall be in chambers.

249C Registration

(1) The court, on being satisfied that the recommendation, determination or award may be registered, shall grant decree and warrant for registration in the Books of Council and Session.

(2) On decree being granted under paragraph (1)—

(a) the Deputy Principal Clerk shall enter the decree in a register of recommendations, determinations and awards to be registered under section 9 of the Act of 1982; and

(b) the petitioner shall intimate the decree and warrant for registration of the recommendation, determination or award to the party against whom it may be enforced.

(3) Upon presentation by the petitioner to the Keeper of the Registers of—

(a) a certified copy interlocuter of the decree and warrant for registration; and

(b) a certified copy of the recommendation, determination or award to be registered, and, where the recommendation, determination or award is in a language other than English, a translation into English certified by a person qualified to do it,

the same shall be registered in the Books of Council and Session in the Register of Judgments whereupon the Keeper of the Registers shall issue an extract of the registered recommendation, determination or award with warrant for execution.".

Emslie,
Lord President,
I.P.D.

Edinburgh.
1st May 1986.

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 provision for the registration in the Books of Council and Session of a recommendation, determination or award under section 9 of the Merchant Shipping (Liner Conferences) Act 1982.

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