
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 434

COURT OF SESSION

**Act of Sederunt (Rules of the Court of Session 1994
Amendment) (Miscellaneous) (No.2) 2021**

Made - - - - - *24th November 2021*

Laid before the Scottish Parliament *26th November 2021*

Coming into force - - - *1st January 2022*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by section 103(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Miscellaneous) (No.2) 2021.

(2) It comes into force on 1st January 2022.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994(c) are amended in accordance with this paragraph.

(2) In rule 14.2 (applications by petition in the Outer House)(d), after paragraph (g), insert—

“(ga) an application made under an enactment to report a matter to the court due to obstruction or for enforcement;”.

(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(b) 2014 asp 18.

(c) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.S.I. 1994/1443), last amended by S.S.I. 2021/324.

(d) Rule 14.2 was amended by S.I. 1996/1756.

(3) Omit rule 95.2 (reports to the Court of Session under schedules 2 and 3 to the Act of 2006)(a).

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
24th November 2021

(a) Rule 95.2 was inserted by S.S.I. 2008/123 and amended by S.S.I. 2009/450.

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Rules of the Court of Session 1994.

Paragraph 2 inserts a new paragraph (ga) into rule 14.2 of the Rules of the Court of Session 1994 to provide that an application made under an enactment to report a matter to the court due to obstruction or for enforcement is to be made by petition presented in the Outer House. Examples of such applications can be found in paragraph 4(3) of schedule 2 and paragraph 3(1) of schedule 3 of the Scottish Commission for Human Rights Act 2006 (asp 16) and sections 17 and 27 of the Scottish Biometrics Commissioner Act 2020 (asp 8). In consequence of inserting this new general provision in rule 14.2 to deal with such applications, the specific provision made by rule 95.2 is no longer required and is revoked.