

Pet Sheldon Hugh Stone for registration of a judgement under the CJA 1982

Case Ref No: P538/23

Date of Hearing: 15 March 2024 at 10.30 (2 hours)

Division and Senators: Extra Lord Malcolm, Lord Tyre, Lady Wise

Livestreamed Hearing?: Yes No

Agents and Counsel (*if known*):

Party

Link to Judgment Reclaimed / Appealed (*if available*):

[Note Prepared not Published](#)

Case Description:

Mr Stone petitioned the court to grant warrant for registration of a judgment of an English court granting him parental responsibility in terms of s4 of the Children Act 1989 and presented for enforcement of a non-money judgment per Schedule 7 of the Civil Jurisdiction and Judgments Act 1982. He also sought various positive orders.

The petition was placed before the Lord Ordinary who had concerns about the competency of the application and fixed a hearing. On 6 July 2023, having heard the petitioner via WebEx the Lord Ordinary refused the petition noting that Rule 62.38 of the Rules of the Court of Session required her to be satisfied that the petition complies with the requirements of both section 18 of and Schedule 7 to the 1982 Act. She was not so satisfied because she considered that the order of the English court

is a judgment concerning the status of an individual, which is specifically excluded from the Schedule 7 regime by s18(5)(b) of the 1982 Act.

She also noted that the further orders sought went well beyond anything that could be regarded as enforcement of an order giving the Mr Stone parental responsibilities.

Mr Stone now reclaims.