
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 412

COURT OF SESSION

**Act of Sederunt (Rules of the Court of Session
Amendment No. 7)(Pension Sharing on Divorce etc.) 2000**

Made - - - - 16th November 2000

Coming into force - - 1st December 2000

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 5 of the Court of Session Act 1988(1) 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 the Court of Session Amendment No. 7) (Pension Sharing on Divorce etc.) 2000 and shall come into force on 1st December 2000.

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

Amendment of the Rules of the Court of Session

2.—(1) The Rules of the Court of Session 1994(2) shall be amended in accordance with the following sub-paragraphs.

(2) In rule 49.8 (warrants for intimation in family actions)–

(a) in paragraph (1), for sub-paragraph (l) there shall be substituted–“???”

(l) in an action where the pursuer makes an application for an order under–

(i) section 8(1)(ba) of the Act of 1985 (orders under s.12A of the Act of 1985 for pension lump sum), or

(ii) section 8(1)(baa) of that Act (pension sharing orders),

to the person responsible for the pension arrangement, in the following terms “Warrant to intimate to (*name and address*) as the person responsible for the pension arrangement in respect of which an order is sought in the (*number*) conclusion of this summons.”;

(1) 1988 c. 36; section 5 was amended by the Civil Evidence (Scotland) Act 1988 c. 32, section 2(3) and by the Children (Scotland) Act 1995 c. 36, Schedule 4, paragraph 45.

(2) S.I. 1994/1443 as amended. The relevant amendments are the insertion by S.I. 1996/1756, paragraph 2, of rules 49.8(1)(l) and (3)(m), 49.49(3) and 49.53(4) and of Form 49.8-M in the Appendix.

- (b) in paragraph (3), for sub-paragraph (m) there shall be substituted—“???”
- (m) under—
 - (i) paragraph (1)(l)(i) (orders for pension lump sums), in Form 49.8-M; and
 - (ii) paragraph (1)(l)(ii) (pension sharing orders), in Form 49.8-MA.
- (3) In rule 49.49 (applications relating to orders for financial provision), in paragraph (3)(b) for “trustees or managers” there shall be substituted “person responsible for the pension arrangement”.
- (4) In rule 49.53 (applications for financial provision after overseas divorce or annulment), in paragraph (4)(b) for “trustees or managers” there shall be substituted “person responsible for the pension arrangement”.
- (5) In the Appendix—
 - (a) in Form 49.8-M—
 - (i) in the heading, for “trustees or managers of” there shall be substituted “person responsible for”; and
 - (ii) for “scheme”, in each place where it appears, there shall be substituted “arrangement”; and
 - (b) after Form 49.8-M there shall be inserted as Form 49.8-MA the form in the Schedule to this Act of Sederunt.

Edinburgh
16th November 2000

Rodger of Earlsferry
Lord President I.P.D.