

CHAPTER 5

CAVEATS

Orders against which caveats may be lodged

- 5.1.** Without prejudice to rule 5.1A., a person may only lodge a caveat against-
- (a) an interim interdict sought in an action before he has lodged defences;
 - (b) an interim order sought in an action before the expiry of the period within which he could enter appearance;
 - (c) an interim order (other than an order under section 1 of the Administration of Justice (Scotland) Act 1972 (a) (orders for inspection of documents and other property, etc.) sought in a petition before he has lodged answers;
 - (d) an order for intimation, service and advertisement of a petition to wind up, or to appoint an administrator to, a company in which he has an interest; and
 - (e) an order for intimation, service and advertisement of a petition for his sequestration.

Further restriction as to caveats

5.1A. ~~(1) A caveat shall not be lodged against an interim order sought in a petition under rule 83.2.~~ (2) A caveat shall not be lodged against an order for intimation, service and advertisement of a petition for—

- (a) a bank insolvency order under rule 74.35;
- (b) a bank administration order under rule 74.45;
- (c) a building society special administration order under rule 74.51; or
- (d) a building society insolvency order under rule 74.52.

Form, lodging and renewal of caveats

5.2.- (1) A caveat shall be in Form 5.2 and shall be lodged in the Petition Department.

(2) A caveat shall remain in force for a period of one year from the date on which it was lodged and may be renewed on its expiry for a further period of a year and yearly thereafter.

(a) 1972 c.59; section 1 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), section 19 and Schedule 2, paragraph 15.