

ACT OF SEDERUNT (SMALL CLAIM RULES) 2002 NO. 133

CHAPTER 18 EUROPEAN COURT

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Interpretation of rules 18.2 to 18.5

- 18.1.** (1) In rules 18.2 to 18.5-
"the European Court" means the Court of Justice of the European Communities;
"reference" means a reference to the European Court for-
- (a) a preliminary ruling under Article 234 of the E.E.C. Treaty, Article 150 of the Euratom Treaty or Article 41 of the E.C.S.C. Treaty; or
 - (b) a ruling on the interpretation of the Conventions, as defined in section 1(1) of the Civil Jurisdiction and Judgments Act 1982, under Article 3 of Schedule 2 to that Act.
- (2) The expressions "E.E.C. Treaty", "Euratom Treaty" and "E.C.S.C. Treaty" have the meanings assigned respectively in Schedule 1 to the European Communities Act 1972.

Application for reference

- 18.2.** (1) The sheriff may, on the incidental application of a party, or of his own accord, make a reference.
- (2) A reference must be made in the form of a request for a preliminary ruling of the European Court in Form 17.

Preparation of case for reference

- 18.3.** (1) If the sheriff decides that a reference shall be made, he must within four weeks draft a reference.
- (2) On the reference being drafted, the sheriff clerk must send a copy to each party.
- (3) Within four weeks after the date on which copies of the draft have been sent to parties, each party may-
- (a) lodge with the sheriff clerk; and
 - (b) send to every other party,
- a note of any adjustments he seeks to have made in the draft reference.
- (4) Within 14 days after the date on which any such note of adjustments may be lodged, the sheriff, after considering any such adjustments, must make and sign the reference.
- (5) The sheriff clerk must forthwith intimate the making of the reference to each party.

Sist of claim

18.4. (1) Subject to paragraph (2), on a reference being made, the claim must, unless the sheriff when making the reference otherwise orders, be sisted until the European Court has given a preliminary ruling on the question referred to it.

(2) The sheriff may recall a sist made under paragraph (1) for the purpose of making an interim order which a due regard to the interests of the parties may require.

Transmission of reference

18.5. A copy of the reference, certified by the sheriff clerk, must be transmitted by the sheriff clerk to the Registrar of the European Court.