

## ACT OF SEDERUNT (SUMMARY CAUSE RULES) 2002 NO. 132

### CHAPTER 26 MANAGEMENT OF DAMAGES PAYABLE TO PERSONS UNDER LEGAL DISABILITY

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#### Orders for payment and management of money

- 26.1.** (1) In an action of damages in which a sum of money becomes payable, by virtue of a decree or an extra-judicial settlement, to or for the benefit of a person under legal disability (other than a person under the age of 18 years), the sheriff shall make such order regarding the payment and management of that sum for the benefit of that person as he thinks fit.
- (2) Any order required under paragraph (1) shall be made on the granting of decree for payment or of absolvitor.

#### Methods of management

- 26.2.** In making an order under rule 26.1(1), the sheriff may-
- (a) order the money to be paid to-
    - (i) the Accountant of Court; or
    - (ii) the guardian of the person under legal disability,as trustee, to be applied, invested or otherwise dealt with and administered under the directions of the sheriff for the benefit of the person under legal disability;
  - (b) order the money to be paid to the sheriff clerk of the sheriff court district in which the person under legal disability resides, to be applied, invested or otherwise dealt with and administered, under the directions of the sheriff of that district, for the benefit of the person under legal disability; or
  - (c) order the money to be paid directly to the person under legal disability.

#### Subsequent orders

- 26.3.** (1) If the sheriff has made an order under rule 26.1(1), any person having an interest may apply for an order under rule 26.2, or any other order for the payment or management of the money, by incidental application.
- (2) An application for directions under rule 26.2(a) or (b) may be made by any person having an interest by incidental application.

#### Management of money paid to sheriff clerk

- 26.4.** (1) A receipt in Form 35 by the sheriff clerk shall be a sufficient discharge in respect of the amount paid to him under rules 26.1 to 26.3.
- (2) The sheriff clerk shall, at the request of any competent court, accept custody of any sum of money in an action of damages ordered to be paid to,

applied, invested or otherwise dealt with by him, for the benefit of a person under legal disability.

(3) Any money paid to the sheriff clerk under rules 26.1 to 26.3 must be paid out, applied, invested or otherwise dealt with by the sheriff clerk only after such intimation, service and enquiry as the sheriff may order.

(4) Any sum of money invested by the sheriff clerk under rules 26.1 to 26.3 must be invested in a manner in which trustees are authorised to invest by virtue of the Trustee Investments Act 1961.

### **Management of money payable to children**

**26.5.** If the sheriff has made an order under section 13 of the Children (Scotland) Act 1995, an application by a person for an order by virtue of section 11(1)(d) of that Act must be made in writing.