

CHAPTER 7

EXTRACTS AND OFFICIAL CERTIFIED COPY INTERLOCUTORS

Applications for extracts

7.1.- (1) Subject to the provisions of this Chapter mentioned in paragraph (2), an application may be made for an extract of an act or a decree after the expiry of 7 days after the date of the act or decree, as the case may be.

(2) The provisions referred to in paragraph (1) are:-

paragraph (4) of this rule,
rule 7.2 (extracts of decrees in certain family actions),
rule 7.3 (amendments to principal writ),
rule 7.4 (return of steps of process and borrowing productions).

(3) An application under paragraph (1) shall be made by note to the Extractor in Form 7.1 lodged in the appropriate department of the Office of Court.

(4) The court may authorise immediate extract or supersede extract for such period as it thinks fit.

Extracts of decrees in certain family actions

7.2.- (1) Subject to paragraph (2), a decree-

- (a) of divorce,
- (b) of declarator of nullity of marriage, or
- (c) in an action to which rule 49.28 (evidence in certain undefended family actions) applies,

shall be extracted automatically after the expiry of 21 days after the date of decree unless a reclaiming motion has been enrolled.

(2) A decree of divorce in a simplified divorce application shall be extracted immediately.

(3) An extract under paragraph (1) or (2) shall be issued by the Extractor to the pursuer and a copy of it sent by the Extractor by first class post to the defender where his address is known.

(4) Additional extracts under this rule may be obtained from the Extracts Department.

Amendments to principal writ

7.3. An amendment which has been allowed to the instance or a conclusion of a summons, or to a petition, shall be written on the principal writ before the process is transmitted to the Extracts Department for an extract.

Return of steps of process and borrowing productions

7.4. Before an application is made under rule 7.1 for a final extract-

- (a) any step of process which has been borrowed shall be returned; and
- (b) each party shall borrow the productions lodged by him.

Decrees for payment in foreign currency

7.5.- (1) Where an application is made under rule 7.1 for an extract of a decree for payment in a foreign currency, the applicant shall lodge with the note to the Extractor a certified statement of the rate of exchange prevailing at-

- (a) the date of the decree sought to be extracted,
- (b) the date on which the note to the Extractor is lodged, or
- (c) a date within three days before the date on which the note to the Extractor is lodged,

and the sterling equivalent of the principal sum, interest and expenses decreed for.

(2) The certified statement required under paragraph (1) shall be by an official in the Bank of England or an institution authorised under the Banking Act 1987 (a).

Decrees of adjudication

7.6. Where an application is made under rule 7.1 for an extract of a decree of adjudication for debt, the applicant shall lodge with the note to the Extractor a statement of the accumulated sum in Form 7.6.

Interest

7.7. Where interest is included in, or payable under, a decree, it shall be at the rate of 8 per cent a year unless otherwise stated.

Fees for extracts to be included in extracts

7.8.- (1) Where the court pronounces an interlocutor awarding a sum of expenses, the interlocutor shall be deemed to include, in addition to such sum, the fees for any extract required to enforce the award.

(2) In an extract of an interlocutor containing an award of expenses, the Extractor shall include the amount of the fee for the extract.

Form of extracts

7.9.- (1) Subject to paragraphs (2) and (3), the extract of an act or a decree shall be in such form as the Extractor thinks fit.

- (2) An extract shall be-
 - (a) partly or wholly written,
 - (b) typewritten,
 - (c) printed,
 - (d) lithographed, or
 - (e) photographed,

and subscribed on the last page by the Extractor and have each page impressed with the stamp of the Extractor.

(3) An alteration in an extract shall be authenticated by the initials of the Extractor.

(a) 1987 c.22.

(4) In this rule, a reference to the Extractor includes the Principal Extractor.

Warrants for execution

7.10. An extract of a decree on which execution may proceed shall include a warrant for all lawful execution in the following terms:- "and the Lords grant warrant for all lawful execution on this decree".

Official certified copy interlocutors

7.11.- (1) An application may be made to the appropriate department of the Office of Court for an official certified copy of an interlocutor in respect of-

- (a) the appointment of a judicial factor;
- (b) the approval of a scheme of arrangement in a petition for variation of a trust under section 1(1) of the Trusts (Scotland) Act 1961 (a);
- (c) the approval of a cy pres scheme or a scheme for the variation or reorganisation of a public trust; or
- (d) a decree for interim aliment.

(2) The Principal Clerk, the Deputy Principal Clerk, or a clerk of session authorised by either of them, may append to an official certified copy of an interlocutor granting decree for interim aliment a warrant for all lawful execution in the following terms:- "and the Lords grant warrant for all lawful execution on this decree for interim aliment".

(a) 1961 c.57; section 1(1) was amended by the Age of Legal Capacity (Scotland) Act 1991 (c.50), Schedule 1, paragraph 27.