

SCHEDULE 1

Paragraph 2(4)(d)

Form 1e

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| OFFICIAL USE ONLY SUMMONS No. |
|--|

Rule 34.3(1)(a)

Summary Cause Summons - Personal Injuries Action

DEFENDER'S COPY: Claim for payment of money in a personal injuries action (where time to pay direction may be applied for)

| | | |
|--|----------|--|
| Sheriff Court (name, address, e-mail and telephone no.) | 1 | |
|--|----------|--|

| | | |
|--|----------|--|
| Name and address of person raising the action (pursuer) | 2 | |
|--|----------|--|

| | | |
|---|----------|--|
| Name and address of person against whom action raised (defender, arrestee, etc.) | 3 | |
|---|----------|--|

| | | |
|---|-----------|--|
| Name(s) and address(es) of any interested party (e.g. connected person) | 3a | |
|---|-----------|--|

| | | |
|--|----------|--|
| Claim (form of decree or other order sought) | 4 | |
|--|----------|--|

| | | |
|--|----------|--|
| Name, full address, telephone no., and e-mail address of pursuer's solicitor or representative (if any) acting in the case | 5 | |
|--|----------|--|

| | | | | | |
|----------|---------------------|-----------|----|------------|--|
| 6 | RETURN DAY | 20 | | | |
| | CALLING DATE | 20 | at | am. | |

NOTE: You will find details of the claim in the attached Form 10 (statement of claim in a personal injuries action).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| | |
|--|---|
| 7. | STATEMENT OF CLAIM (Pursuer to attach copy Form 10 (statement of claim in a personal injuries action)) |
| The details of the claim are as stated in the attached copy Form 10. | |
| 8. | SERVICE ON DEFENDER |
| (Place) | (Date) |
| To: | (Defender) |
| You are hereby served with a copy of the above summons. | |
| Solicitor / sheriff officer <i>delete as appropriate</i> | |

NOTE: The pursuer should complete boxes 1 to 6 on page 1, attach a copy of the Form 10, (statement of claim) and complete section A on page 6 before service on the defender. The pursuer should also enclose a form of response in Form 10a. The person serving the Summons will complete box 8, above.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

WHAT MUST I DO ABOUT THIS SUMMONS?

The RETURN DAY (on page 1 of this summons) is the deadline by which you need to reply to the court. You must send the correct forms back (see below for details) by this date if you want the court to hear your case. If you do not do this, in most cases there will not be a hearing about your case and the court will make a decision in your absence.

The CALLING DAY (on page 1 of this summons) is the date when the court will deal with your case should you not respond to this summons, or the date of the court hearing should you admit the claim and the court is required to consider your application to pay the sum claimed by instalments or by deferred lump sum.

You should decide whether you wish to dispute the claim and/or whether you owe any money or not, and how you wish to proceed. Then, look at the 4 options listed below. Find the one that covers your decision and follow the instructions given there.

You may have a policy of insurance that could indemnify you against this claim. This could be motor, home contents, buildings, travel or some other form of liability insurance that may offer cover to meet legal costs to defend this claim or to meet any claim against you that is admitted or proved. If you believe you have any such insurance cover, you should **immediately** contact your insurer and take steps to forward to them details of this claim.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency. Alternatively, if you are not sure what you need to do, contact the sheriff clerk's office before the return day. Written guidance is available from the Scottish Court Service website (www.scotcourts.gov.uk).

OPTIONS

1. ADMIT LIABILITY FOR THE CLAIM and settle it with the pursuer now.

If you wish to avoid the possibility of a court order passing against you, you should settle the claim (including any question of expenses) with the pursuer or their representative **in good time before the return day**. Please do not send any payment direct to the court. Any payment should be made to the pursuer or their representative.

2. ADMIT LIABILITY FOR THE CLAIM and make written application to pay by instalments or by deferred lump sum.

Complete Box 1 of section B on page 6 of this form and return pages 6, 7 and 8 to the court **to arrive on or before the return day**. You should then contact the court to find out whether or not the pursuer has accepted your offer. If the pursuer has not accepted it, the case will then call in court on the calling date, when the court will decide how the amount claimed is to be paid.

NOTE: If you fail to return pages 6, 7 and 8 as directed, or if, having returned them, you fail to attend or are not represented at the calling date if the case is to call, the court may decide the claim in your absence.

3. ADMIT LIABILITY FOR THE CLAIM and attend at court to make application to pay by instalments or deferred lump sum.

Complete Box 2 of section B on page 6 of this form. Return page 6 to the court so that it arrives **on or before the return day**.

PAGE 3

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

You must attend personally, or be represented, at court on the calling date. Your representative may be a solicitor, or someone else having your authority. It may be helpful if you or your representative bring pages 1 and 2 of this Form and Form 10 to the court.

NOTE: If you fail to return page 6 as directed, or if, having returned it, you fail to attend or are not represented at the calling date, the court may decide the claim in your absence.

4. DISPUTE THE CLAIM for any of the following reasons:

- Challenge the jurisdiction of the court or the competency of the action;
- Defend the action;
- Dispute the sum claimed; or
- State a counterclaim.

You must complete Box 3 of Section B on page 6 and the attached form of response in Form 10a, stating in a manner which gives the pursuer fair notice, the grounds of fact and law on which you intend to resist the claim, or counterclaim, and return these to the court so that they arrive **on or before the return day**. Thereafter, the case **will not** call in court on the calling date and you do not require to attend or be represented at court on that date. The sheriff clerk will send to you or your representative a timetable confirming the anticipated date for the hearing of evidence and the dates by which various procedural matters must be undertaken. Your representative may be a solicitor or someone else having your authority.

NOTE: If you fail to return page 6 and the completed Form 10a as directed, the case may call on the calling date, and the court may decide the claim in your absence.

PLEASE NOTE

If you do nothing about this summons, the court will almost certainly, where appropriate, grant decree against you and order you to pay the pursuer the sum claimed, including any interest and expenses found due.

YOU ARE ADVISED TO KEEP PAGES 1 AND 2 AND FORM 10, AS THEY MAY BE USEFUL AT A LATER STAGE OF THE CASE.

Notes:

(1) Time to pay directions

The Debtors (Scotland) Act 1987 gives you the right to apply to the court for a “time to pay direction”. This is an order which allows you to pay any sum which the court orders you to pay either in instalments or by deferred lump sum. A “deferred lump sum” means that you will be ordered by the court to pay the whole amount at one time within a period which the court will specify.

If the court makes a time to pay direction it may also recall or restrict any arrestment made on your property by the pursuer in connection with the action or debt (for example, your bank account may have been frozen).

No court fee is payable when making an application for a time to pay direction.

If a time to pay direction is made, a copy of the court order (called an extract decree) will be sent to you by the pursuer telling you when payment should start or when it is you have to pay the lump sum.

If a time to pay direction is not made, and an order for immediate payment is made against you, an order to pay (called a charge) may be served on you if you do not pay.

(2) Determination of application

Under the 1987 Act, the court is required to make a time to pay direction if satisfied that it is reasonable in the circumstances to do so, and having regard in particular to the following matters—

- The nature of and reasons for the debt in relation to which decree is granted
- Any action taken by the creditor to assist the debtor in paying the debt
- The debtor’s financial position
- The reasonableness of any proposal by the debtor to pay that debt
- The reasonableness of any refusal or objection by the creditor to any proposal or offer by the debtor to pay the debt.

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SECTION A
This section must be completed before service

| | |
|-----------------------------------|----------------------------------|
| | Summons No |
| | Return Day |
| | Calling Date |
| SHERIFF COURT (Including address) | |
| | |
| | |
| | |
| | |
| PURSUER'S FULL NAME AND ADDRESS | DEFENDER'S FULL NAME AND ADDRESS |

SECTION B DEFENDER'S RESPONSE TO THE SUMMONS

**** Delete those boxes which do not apply**

| | |
|----------------|---|
| **Box 1 | <p>ADMIT LIABILITY FOR THE CLAIM and make <u>written</u> application to pay by instalments or by <u>deferred</u> lump sum.</p> <p>I do not intend to defend the case but admit liability for the claim.</p> <p>I wish to make a written application about payment.</p> <p>I have completed the application form on pages 7 and 8.</p> |
| **Box 2 | <p>ADMIT LIABILITY FOR THE CLAIM and <u>attend at court</u> to make application to pay by instalments or deferred lump sum.</p> <p>I admit liability for the claim.</p> <p>I intend to appear or be represented at court on the calling date</p> |
| **Box 3 | <p>DISPUTE THE CLAIM (or the amount due)</p> <p>*I intend to challenge the jurisdiction of the court.</p> <p>*I intend to challenge the competency of the action.</p> <p>*I intend to defend the action/state a counterclaim.</p> <p>*I wish to dispute the amount due only.</p> <p>*I apply for warrant to serve a third party notice (see page 10).</p> <p><i>*delete as necessary</i></p> <p>_____</p> <p>I attach completed Form 10a stating my proposed defence/counterclaim.</p> |

PLEASE REMEMBER: You must send your response to the court to **arrive on or before the return day** if you have completed a response in Section B. If you have admitted the claim, please do not send any payment direct to the court. **Any payments you wish to make should be made to the pursuer or their solicitor.**

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APPLICATION IN WRITING FOR A TIME TO PAY DIRECTION UNDER THE DEBTORS (SCOTLAND) ACT 1987

I WISH TO APPLY FOR A TIME TO PAY DIRECTION

I admit the claim and make application to pay as follows:

- (1) By instalments of £ _____ per *week / fortnight / month
OR
 (2) In one payment within _____ *weeks / months from the date of the court order.

The debt is for (*specify the nature of the debt*) and has arisen (*here set out the reasons the debt has arisen*):

Please also state why you say a time to pay direction should be made. In doing so, please consider the Notes (1) and (2) on page 5.

To help the court please provide details of your financial position in the boxes below.

I am employed / self-employed / unemployed

***Please also indicate whether payment/receipts are weekly, fortnightly or monthly**

| My outgoings are: | *Weekly / fortnightly / monthly |
|-----------------------------|---------------------------------|
| Rent/mortgage | £ |
| Council tax | £ |
| Gas/electricity etc | £ |
| Food | £ |
| Loans and credit agreements | £ |
| Phone | £ |
| Other | £ |
| Total | £ |

| My net income is | *Weekly / fortnightly / monthly |
|------------------|---------------------------------|
| Wages/pensions | £ |
| State benefits | £ |
| Tax credits | £ |
| Other | £ |
| | |
| | |
| Total | £ |

People who rely on your income (e.g. spouse/civil partner/partner/children) – how many

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Please list details of all capital held, e.g. value of house; amount in savings account, shares or other investments:

I am of the opinion that the payment offer is reasonable for the following reason(s):

Here set out any information you consider relevant to the court's determination of the application. In doing so, please consider Note (2) on page 5.

***APPLICATION FOR RECALL OR RESTRICTION OF AN ARRESTMENT**

I seek the recall or restriction of the arrestment of which the details are as follows:

**Delete if inapplicable*

Date:

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APPLICATION FOR SERVICE OF A THIRD PARTY NOTICE

NOTE:

You can apply to have another party added to the action if:

(A) You think that, as regards the matter which the action is about, that other party has a duty to:

1. Indemnify you; or
2. Make a contribution in respect of the matter; or
3. Relieve you from any responsibility as regards it.

or

(B) You think that other party is:

1. Solely liable to the pursuer; or
2. Liable to the pursuer along with you; or
3. Has a liability to you as a result of the pursuer's claim against you.

You may apply for warrant to found jurisdiction if you wish to do so.

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FORM OF APPLICATION

(TO BE RETURNED TO THE COURT ALONG WITH YOUR RESPONSE)

I request the court to grant warrant for service of a third party notice on the following party:

Name:

Address:

The reason I wish a third party notice to be served on the party mentioned above is as follows:
(Give details below of the reasons why you wish the party to be made a defender in the action.)

*I apply for warrant to found jurisdiction

**delete as appropriate*

Date:

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Form 1f

OFFICIAL USE ONLY

SUMMONS No.

Rule 34.3(1)(b)

Summary Cause Summons - Personal Injuries Action

DEFENDER'S COPY: Claim for payment of money in a personal injuries action (where time to pay direction may be applied for)

Sheriff Court
(name, address, e-mail and
telephone no.)

1

Name and address of
person raising the action
(**pursuer**)

2

Name and address of
person against whom
action raised (**defender,**
arrestee, etc.)

3

Name(s) and address(es) of
any interested party (e.g.
connected person)

3a

Claim (form of decree or
other order sought)

4

Name, full address,
telephone no., and e-mail
address of pursuer's
solicitor or representative
(if any) acting in the case

5

6

| | |
|---------------------|------------------|
| RETURN DAY | 20 |
| CALLING DATE | 20 at am. |

NOTE: You will find details of the claim in the attached Form 10 (statement of claim in a personal injuries action).

PAGE 1

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| | |
|--|---|
| 7. | STATEMENT OF CLAIM (Pursuer to attach copy Form 10 (statement of claim in a personal injuries action)) |
| The details of the claim are as stated in the attached copy Form 10. | |
| 8. | SERVICE ON DEFENDER |
| (Place) | (Date) |
| To: | (Defender) |
| You are hereby served with a copy of the above summons. | |
| Solicitor / sheriff officer <i>delete as appropriate</i> | |

NOTE: The pursuer should complete boxes 1 to 6 on page 1, attach a copy of the Form 10, (statement of claim) and complete section A on page 6 before service on the defender. The pursuer should also enclose a form of response in Form 10a. The person serving the Summons will complete box 8, above.

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WHAT MUST I DO ABOUT THIS SUMMONS?

The RETURN DAY (on page 1 of this summons) is the deadline by which you need to reply to the court. You must send the correct forms back (see below for details) by this date if you want the court to hear your case. If you do not do this, in most cases there will not be a hearing about your case and the court will make a decision in your absence.

The CALLING DAY (on page 1 of this summons) is the date when the court will deal with your case should you not respond to this summons.

You should decide whether you wish to dispute the claim and/or whether you owe any money or not, and how you wish to proceed. Then, look at the 2 options listed on the next page. Find the one that covers your decision and follow the instructions given there.

You may have a policy of insurance that could indemnify you against this claim. This could be motor, buildings, travel or some other form of liability insurance that may offer cover to meet legal costs to defend this claim or to meet any claim against you that is admitted or proved. If you believe you have any such insurance cover, you should **immediately** contact your insurer and take steps to forward to them details of this claim.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency. Alternatively, if you are not sure what you need to do, contact the sheriff clerk's office before the return day. Written guidance is available from the Scottish Court Service website (www.scotcourts.gov.uk).

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OPTIONS

1. ADMIT LIABILITY FOR THE CLAIM and settle it with the pursuer now.

If you wish to avoid the possibility of a court order passing against you, you should settle the claim (including any question of expenses) with the pursuer or their representative **in good time before the return day**. Please do not send any payment direct to the court. Any payment should be made to the pursuer or their representative.

2. DISPUTE THE CLAIM for any of the following reasons:

- Challenge the jurisdiction of the court or the competency of the action;
- Defend the action;
- Dispute the sum claimed; or
- State a counterclaim.

You must complete Section B on page 5 and the attached form of response in Form 10a, stating in a manner which gives the pursuer fair notice, the grounds of fact and law on which you intend to resist the claim, or counterclaim, and return these to the court so that they arrive **on or before the return day**. Thereafter, the case **will not** call in court on the calling date and you do not require to attend or be represented at court on that date. The sheriff clerk will send to you or your representative a timetable confirming the anticipated date for the hearing of evidence and the dates by which various procedural matters must be undertaken. Your representative may be a solicitor or someone else having your authority.

NOTE: If you fail to return page 5 and the completed Form 10a as directed, the case may call on the calling date, and the court may decide the claim in your absence.

PLEASE NOTE

If you do nothing about this summons, the court will almost certainly, where appropriate, grant decree against you and order you to pay the pursuer the sum claimed, including any interest and expenses found due.

YOU ARE ADVISED TO KEEP PAGES 1 AND 2 AND FORM 10, AS THEY MAY BE USEFUL AT A LATER STAGE OF THE CASE.

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SECTION A

This section must be completed before service

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| |

SHERIFF COURT (Including address)

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| |

PURSUER'S FULL NAME AND ADDRESS

| |
|--------------|
| Summons No |
| Return Day |
| Calling Date |

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| |

DEFENDER'S FULL NAME AND ADDRESS

SECTION B

DEFENDER'S RESPONSE TO THE SUMMONS

**** Delete those boxes which do not apply**

DISPUTE THE CLAIM (or the amount due)

- *I intend to challenge the jurisdiction of the court.
- *I intend to challenge the competency of the action.
- *I intend to defend the action/state a counterclaim.
- *I wish to dispute the amount due only.

*I apply for warrant to serve a third party notice (see page 6).

*delete as necessary

I attach completed Form 10a stating my proposed defence/counterclaim.

PLEASE REMEMBER: You must send your response to the court to **arrive on or before the return day** if you have completed a response in Section B. If you have admitted the claim, please do not send any payment direct to the court. **Any payments you wish to make should be made to the pursuer or their solicitor.**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

APPLICATION FOR SERVICE OF A THIRD PARTY NOTICE

NOTE:

You can apply to have another party added to the action if:

(A) You think that, as regards the matter which the action is about, that other party has a duty to:

1. Indemnify you; or
2. Make a contribution in respect of the matter; or
3. Relieve you from any responsibility as regards it.

or

(B) You think that other party is:

1. Solely liable to the pursuer; or
2. Liable to the pursuer along with you; or
3. Has a liability to you as a result of the pursuer's claim against you.

You may apply for warrant to found jurisdiction if you wish to do so.

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FORM OF APPLICATION

(TO BE RETURNED TO THE COURT ALONG WITH YOUR RESPONSE)

I request the court to grant warrant for service of a third party notice on the following party:

Name:

Address:

The reason I wish a third party notice to be served on the party mentioned above is as follows:
(Give details below of the reasons why you wish the party to be made a defender in the action.)

*I apply for warrant to found jurisdiction

**delete as appropriate*

Date:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Paragraph 2(4)(e)

Court ref. no:

Form 10

Rule 34.2(2)

Form of statement of claim in a personal injuries action

1. The pursuer is *(state designation, address, occupation, date of birth and National Insurance number (where applicable) of the pursuer). (In an action arising out of the death of a relative state designation of the deceased and relation to the pursuer).*
2. The defender is *(state designation, address and occupation of the defender).*
3. The court has jurisdiction to hear this claim against the defender because *(state briefly ground of jurisdiction).*
4. *(State briefly the facts necessary to establish the claim).*
5. *(State briefly the personal injuries suffered and the heads of claim. Give names and addresses of medical practitioners and hospitals or other institutions in which the person injured received treatment).*
6. *(State whether claim based on fault at common law or breach of statutory duty; if breach of statutory duty, state provision of enactment).*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 10a

Rules 34.3(2) and 34.4(1)

Form of response (action for damages: personal injuries)

Court ref. no:

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

in the cause

[A.B.], *(insert name and address)*, Pursuer

against

[C.D.], *(insert name and address)*, Defender

RESPONSE TO STATEMENT OF CLAIM

| <i>Question</i> | <i>Response</i> |
|---|-----------------|
| 1. Is it intended to dispute the description and designation of the pursuer? If so, why? | |
| 2. Is the description and designation of the defender disputed? If so, why? | |
| 3. Is there any dispute that the court has jurisdiction to hear the claim? If so, why? | |
| 4. (a) State which facts in paragraph 4 of the statement of claim are admitted. | |
| (b) State any facts regarding the circumstances of the claim upon which the defender intends to rely. | |
| 5. (a) State whether the nature and extent of the pursuer's injuries is disputed and whether medical reports can be agreed. | |

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- (b) If the defender has a medical report upon which he or she intends to rely to contradict the pursuer's report in any way, state the details.
 - (c) State whether the claims for other losses are disputed in whole or in part.
6. (a) Does the defender accept that the common law duty or duties in the statement of claim were incumbent upon them in the circumstances? If not, state why.
- (b) Does the defender accept that the statutory duty or duties alleged in the statement of claim were incumbent upon them in the circumstances? If not, state why.
- (c) State any other provisions or propositions upon which the defender proposes to rely in relation to the question of their liability for the accident including, if appropriate, details of any allegation of contributory negligence.
- (d) Does the defender allege that the accident was caused by any other wrongdoer? If so, give details.
- (e) Does the defender allege that they are entitled to be indemnified or relieved from any liability they might have to the pursuer? If so, give details.
7. Does the defender intend to pursue a counterclaim against the pursuer? If so, give details.

(Insert date)

(signature, designation and address)

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Form 10b

Rules 34.2(3)(b) and 34.4(2)(b)

Form of order of court for recovery of documents in personal injuries action

Court ref. no:

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

SPECIFICATION OF DOCUMENTS

in the cause

[A.B.], *(insert name and address)*, Pursuer

against

[C.D.], *(insert name and address)*, Defender

To: *(insert name and address of party or parties from whom the following documents are sought to be recovered)*.

You are hereby required to produce to the sheriff clerk at *(insert address)* within seven days of the service on you of this Order:

[Insert such of the following calls as are required]

1. All books, medical records, reports, charts, X-rays, notes and other documents of *(specify the name of each medical practitioner or general practitioner practice named in summons in accordance with rule 34.2(2)(b))*, and relating to the pursuer *[or, as the case may be, the deceased]* from *(insert date)*, in order that excerpts may be taken therefrom at the sight of the Commissioner of all entries showing or tending to show the nature, extent and cause of the pursuer's *[or, as the case may be, the deceased's]* injuries when he or she attended his or her doctor on or after *(specify date)* and the treatment received by him or her since that date.
2. All books, medical records, reports, charts, X-rays, notes and other documents of *(specify, in separate calls, the name of each hospital or other institution named in summons in accordance with rule 34.2(2)(b))*, and relating to the pursuer *[or, as the case may be, the deceased]* from *(insert date)*, in order that excerpts may be taken therefrom at the sight of the Commissioner of all entries showing or tending to show the nature, extent and cause of the pursuer's *[or, as the case may be, the deceased's]* injuries when he or she was admitted to that institution on or about *(specify date)*, the treatment received by him or her since that date and his or her certificate of discharge, if any.
3. The medical records and capability assessments held by the defender's occupational health department relating to the pursuer *[or, as the case may be, the deceased]*, except insofar as prepared for or in contemplation of litigation, in order that excerpts may be taken therefrom at the sight of the Commissioner of all entries showing or tending to show the nature and extent of any injuries, symptoms and conditions from which the pursuer *[or, as the case may be, the deceased]* was suffering and the nature of any assessment and diagnosis made thereof on or subsequent to *(specify date)*.

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4. All wage books, cash books, wage sheets, computer records and other earnings information relating to the pursuer [*or, as the case may be, the deceased*] (N.I. number (*specify number*)) held by or on behalf of (*specify employer*), for the period (*specify dates commencing not earlier than 26 weeks prior to the date of the accident or the first date of relevant absence, as the case may be*) in order that excerpts may be taken therefrom at the sight of the Commissioner of all entries showing or tending to show—
 - (a) the pursuer's [*or, as the case may be, the deceased's*] earnings, both gross and net of income tax and employee National Insurance Contributions, over the said period;
 - (b) the period or periods of the pursuer's [*or, as the case may be, the deceased's*] absence from employment over the said period and the reason for absence;
 - (c) details of any increases in the rate paid over the period (*specify dates*) and the dates on which any such increases took effect;
 - (d) the effective date of, the reasons for and the terms (including any terms relative to any pension entitlement) of the termination of the pursuer's [*or, as the case may be, the deceased's*] employment;
 - (e) the nature and extent of contributions (if any) to any occupational pension scheme made by the pursuer [*or, as the case may be, the deceased*] and his or her employer;
 - (f) the pursuer's present entitlement (if any) to any occupational pension and the manner in which said entitlement is calculated.
5. All accident reports, memoranda or other written communications made to the defender or anyone on his or her behalf by an employee of the defender who was present at or about the time at which the pursuer [*or, as the case may be, the deceased*] sustained the injuries in respect of which the summons in this cause was issued and relevant to the matters contained in the statement of claim.
6. Any assessment current at the time of the accident referred to in the summons or at the time of the circumstances referred to in the summons giving rise to the cause of action (as the case may be) undertaken by or on behalf of the defender for the purpose of regulation 3 of the Management of Health and Safety at Work Regulations 1992 and subsequently regulation 3 of the Management of Health and Safety at Work Regulations 1999 [*or (specify the regulations or other legislative provision under which the risk assessment is required)*] in order that excerpts may be taken therefrom at the sight of the Commissioner of all entries relating to the risks posed to workers [*or (specify the matters set out in the statement of claim to which the risk assessment relates)*].
7. Failing principals, drafts, copies or duplicates of the above or any of them.

Date (*insert date of posting or other method of service*) (Insert signature, name and business address of the agent for the pursuer)

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NOTES:

1. The documents recovered will be considered by the parties to the action and they may or may not be lodged with the sheriff clerk. A written receipt will be given or sent to you by the sheriff clerk, who may thereafter allow them to be inspected by the parties. The party in whose possession the documents are will be responsible for their safekeeping.
2. Payment may be made, within certain limits, in respect of claims for outlays incurred in relation to the production of documents. Claims should be made in writing to the person who has obtained an order that you produce the documents.
3. If you claim that any of the documents produced by you is **confidential** you must still produce such documents but may place them in a separate sealed packet by themselves, marked "CONFIDENTIAL". Any party who wishes to open the sealed packet must apply to the sheriff by incidental application. A party who makes such an application must intimate the application to you.
4. Subject to paragraph 3 above, you may produce these documents by sending them by registered post or by recorded delivery service, or by hand delivery to the sheriff clerk at (*insert address*).

CERTIFICATE

I hereby certify with reference to the above order of the sheriff at (*insert name of sheriff court*) in the case (*insert court reference number*) and the enclosed specification of documents, served on me and marked respectively X and Y—

1. That the documents which are produced and which are listed in the enclosed inventory signed by me and marked Z, are all the documents in my possession falling within the specification.

or

That I have no documents in my possession falling within the specification.

2. That, to the best of my knowledge and belief, there are in existence other documents falling within the specification, but not in my possession. These documents are as follows: (*describe them by reference to the descriptions of documents in the specification*). They were last seen by me on or about (*date*), at (*place*), in the hands of (*insert name and address of the person*).

or

That I know of the existence of no documents in the possession of any person, other than me, which fall within the specification.

(*Insert date*)

(*Signed*)

(*Name and address*)

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Form 10c

Rule 34.5(2)

Form of docquet for deemed grant of recovery of documents in a personal injuries action

Court ref. no:

Court (*insert court*)

Commission and diligence for the production and recovery of the documents called for in this specification of documents is deemed to have been granted.

Date (*insert date*)

(*Signed*)

Sheriff Clerk (depute)

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Form 10d

Rule 34.7(1)(c) and (4)

Form of timetable

Court ref. no:

TIMETABLE

in the cause

[A.B.], (*insert name and address*), Pursuer

against

[C.D.], (*insert name and address*), Defender

This timetable has effect as if it were an interlocutor of the sheriff.

1. The diet allocated for the proof in this action will begin on (*date*). Subject to any variation under rule 34.8, this order requires the parties to undertake the conduct of this action within the periods specified in paragraphs 2 to 10 below.
2. An application under rule 11.1 (third party procedure) shall be made by (*date*).
3. Where the pursuer has obtained a commission and diligence for the recovery of documents by virtue of rule 34.5, the pursuer shall serve the order not later than (*date*).
4. For the purposes of rule 34.7(2)(c), the adjustment period shall end on (*date*).
5. The pursuer shall lodge with the sheriff clerk a statement of valuation of claim under rule 34.9 not later than (*date*).
6. The pursuer shall lodge with the sheriff clerk a certified adjusted statement of claim not later than (*date*).
7. The defender (and any third party to the action) shall lodge with the sheriff clerk a certified adjusted response to statement of claim not later than (*date*).
8. The defender (and any third party to the action) shall lodge with the sheriff clerk a statement of valuation of claim under rule 34.9 not later than (*date*).
9. Not later than (*date*) the parties shall lodge with the sheriff clerk lists of witnesses and productions.
10. Not later than (*date*) the pursuer shall lodge with the sheriff clerk a pre-proof minute under rule 34.10.

(*Insert date*)

(*Signed*)
Sheriff Clerk (depute)

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Form 10e

Rule 34.9

Form of statement of valuation of claim

Court ref. no:

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

STATEMENT OF VALUATION OF CLAIM

in the cause

[A.B.], *(insert name and address)*, Pursuer

against

[C.D.], *(insert name and address)*, Defender

| <i>Head of claim</i> | <i>Components</i> | <i>Valuation</i> |
|----------------------------|---|------------------|
| Solatium | Past | £x |
| | Future | £x |
| Interest on past solatium | Percentage applied to past solatium <i>(state percentage rate)</i> | £x |
| Past wage loss | Date from which wage loss claimed: <i>(date)</i> Date to which wage loss claimed: <i>(date)</i> Rate of net wage loss <i>(per week, per month or per annum)</i> | £x |
| Interest on past wage loss | Percentage applied to past wage loss: <i>(state percentage rate)</i> | £x |

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| | | |
|---|--|-----------|
| <p>Future wage loss</p> | <p>Multiplier: <i>(state multiplier)</i></p> <p>Multiplicand: <i>(state multiplicand and show how calculated)</i></p> <p>Discount factor applied (if appropriate): <i>(state factor)</i></p> <p>Or specify any other method of calculation</p> | <p>£x</p> |
| <p>Past services</p> | <p>Date from which services claimed: <i>(date)</i></p> <p>Date to which services claimed: <i>(date)</i></p> <p>Nature of services: <i>(.....)</i></p> <p>Person by whom services provided: <i>(.....)</i></p> <p>Hours per week services provided: <i>(.....)</i></p> <p>Net hourly rate claimed: <i>(.....)</i></p> <p>Total amount claimed: <i>(.....)</i></p> <p>Interest</p> | <p>£x</p> |
| <p>Future loss of capacity to provide personal services</p> | <p>Multiplier: <i>(insert multiplier)</i></p> <p>Multiplicand: <i>(insert multiplicand, showing how calculated)</i></p> | <p>£x</p> |
| <p>Needs and other expenses</p> | <p>One off</p> <p>Multiplier: <i>(insert multiplier)</i></p> <p>Multiplicand: <i>(insert multiplicand)</i></p> <p>Interest</p> | <p>£x</p> |

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| | | |
|---|--|---|
| Any other heads as appropriate (<i>specify</i>) | | £x |
| Total | | £x (<i>insert total valuation of claim</i>) |
| List of Supporting Documents:— | | |

(*Insert date*)

(*Signed*)

(*Name and address*)

Form 10f

Rule 34.10(2)

Minute of pre-proof conference

Court ref. no:

SHERIFFDOM OF *(insert sheriffdom)*

AT *(insert place of sheriff court)*

JOINT MINUTE OF PRE-PROOF CONFERENCE

in the cause

[A.B.], Pursuer

against

[C.D.], Defender

[E.F.] for the pursuer and

[G.H.] for the defender hereby state to the court:

1. That the pre-proof conference was held in this case [*at (place) or by (telephone conference or video conference or other remote means)*] on [*date*].
2. That the following persons were present—
(*State names and designations of persons attending conference*)
3. That the following persons were available to provide instructions by telephone or video conference—
(*State names and designations or persons available to provide instructions by telephone or video conference*)
4. That the persons participating in the conference discussed settlement of the action.
5. That the following questions were addressed—

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Section 1

| | | <i>Yes</i> | <i>No</i> |
|----|--|------------|-----------|
| 1. | Is the diet of proof still required? | | |
| 2. | If the answer to question 1 is “yes”, does the defender admit liability? (If “no”, complete section 2) If yes, does the defender plead contributory negligence? If yes, is the degree of contributory negligence agreed? If yes, state % degree of fault attributed to the pursuer. | | |
| 3. | If the answer to question 1 is “yes”, is the quantum of damages agreed? (If “no”, complete section 3) | | |

Section 2

[To be inserted only if the proof is still required]

It is estimated that the hearing will last *[insert number]* *[days/hours]*.

NB. If the estimate is more than one day then this should be brought to the attention of the sheriff clerk. This may affect prioritisation of the case.

During the course of the pre-proof conference, the pursuer called on the defender to agree certain facts, questions of law and matters of evidence.

Those calls, and the defender’s responses, are as follows—

| <i>Call</i> | <i>Response</i> | |
|-------------|-----------------|---------------|
| | <i>Admitted</i> | <i>Denied</i> |
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

During the course of the pre-proof conference, the defender called on the pursuer to agree certain facts, questions of law and matters of evidence.

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Those calls, and the pursuer's responses, are as follows—

| <i>Call</i> | <i>Response</i> | |
|-------------|-----------------|---------------|
| | <i>Admitted</i> | <i>Denied</i> |
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

Section 3

Quantum of damages

Please indicate where agreement has been reached on an element of damages.

| <i>Head of claim</i> | <i>Components</i> | <i>Not agreed</i> | <i>Agreed at</i> |
|----------------------------|--|-------------------|------------------|
| Solatium | Past Future | | |
| Interest on past solatium | Percentage applied to past solatium (state percentage) | | |
| Past wage loss | Date from which wage loss claimed Date to which wage loss claimed Rate of net wage loss (per week, per month or per annum) | | |
| Interest on past wage loss | | | |
| Future wage loss | Multiplier Multiplicand (showing how calculated) | | |

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| | | | |
|--|---|--|--|
| Past necessary services | Date from which services claimed Date to which services claimed Hours per week services provided Net hourly rate claimed | | |
| Past personal services | Date from which services claimed Date to which services claimed Hours per week services provided Net hourly rate claimed | | |
| Interest on past services | | | |
| Future necessary services | Multiplier Multiplicand (<i>showing how calculated</i>) | | |
| Future personal services | Multiplier Multiplicand (<i>showing how calculated</i>) | | |
| Needs and other expenses | One off Multiplier Multiplicand (<i>showing how calculated</i>) | | |
| Any other heads as appropriate (specify) | | | |

(Insert date of signature)

(Signed by each party/his or her solicitor)

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Form 10g

Rule 34.12(5)

Form of intimation to connected persons

Court ref. no:

SHERIFFDOM OF *(insert sheriffdom)*

AT *(insert place of sheriff court)*

in the cause

[A.B.], Pursuer

against

[C.D.], Defender

To: *(insert name and address as in warrant)*

You are hereby given notice that an action has been raised in the above sheriff court against *(insert name of defender)*, by your *(insert relationship, e.g. father, brother or other relative as the case may be)*. A copy of the summons is attached.

It is believed that you may have a title or interest to sue *(name of defender)* in this action, which is based upon *(the injuries from which the late (insert name and designation) died) (or the death of the late (insert name and designation))*. You may therefore be entitled to enter this action as an additional pursuer. This may be done by lodging an incidental application with the sheriff clerk at *(insert address of sheriff court)*.

If you wish to appear as a party in the action, or are uncertain about what action to take, you should contact a solicitor. You may, depending on your financial circumstances, be entitled to legal aid, and you can get information about legal aid from a solicitor.

You may also obtain advice from any Citizen's Advice Bureau, other advice agency or any sheriff clerk's office.

(Insert date of signature)

(Signed)
(Solicitor for the pursuer)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 10h

Rule 34.13(2)

Form of claim for provisional damages

Court ref. no:

SHERIFFDOM OF *(insert sheriffdom)*

AT *(insert place of sheriff court)*

in the cause

[A.B.], Pursuer

against

[C.D.], Defender

For payment to the pursuer by the defender of the sum of *(amount in words and figures)* as provisional damages under section 12(2)(a) of the Administration of Justice Act 1982.

(Statements to include that there is a risk that the pursuer will as result of the act or omission which gave rise to the cause of action develop serious disease or serious deterioration of condition in the future; and that the defender was, at the time of the act or omission which gave rise to the cause of action, a public authority, public corporation or insured or otherwise indemnified in respect of the claim).

(Insert date of signature)

(Signed)

(Solicitor for the pursuer)

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Form 10i

Rule 34.13(3)

Form of application for further damages

Court ref. no:

SHERIFFDOM OF *(insert sheriffdom)*

AT *(insert place of sheriff court)*

APPLICATION FOR FURTHER DAMAGES

in the cause

[A.B.], Pursuer

against

[C.D.], Defender

The pursuer claims payment from the defender of the sum *(insert amount in words and figures)* as further damages under section 12(2)(b) of the Administration of Justice Act 1982.

(Insert concise statement of facts supporting claim for further damages).

The pursuer requests the sheriff to fix a hearing on this incidental application and applies for warrant to serve the application on—

(Here state names and addresses of other parties to the action; and, where such other parties are insured or otherwise indemnified, their insurers or indemnifiers, if known to the pursuer).

(Insert date of signature)

(Signed)

(Solicitor for the pursuer)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form 10j

Rule 34.13(4)

Form of notice of application for further damages

Court ref. no:

SHERIFFDOM OF *(insert sheriffdom)*

AT *(insert place of sheriff court)*

APPLICATION FOR FURTHER DAMAGES

in the cause

[A.B.], Pursuer

against

[C.D.], Defender

To:

TAKE NOTICE

(Pursuer's name and address), pursuer, raised an action against *(defender's name and address)*, defender, in the sheriff court at *(insert name of sheriff court)*.

In the action, the sheriff on *(date)* made an award of provisional damages in accordance with section 12(2)(a) of the Administration of Justice Act 1982 in favour of the pursuer against *(you or name of party)*. [The sheriff specified that the pursuer may apply for an award of further damages under section 12(2)(b) of that Act at any time before *(date)*]. The pursuer has applied by incidental application for an award of further damages against you *(or name of party)*. A copy of the incidental application is attached.

A hearing on the incidental application has been fixed for *(date and time)* at *(place of sheriff court)*. If you wish to be heard on the incidental application, you should attend or be represented at court on that date.

(Insert date of signature)

(Signed)
(Solicitor for the pursuer)

SCHEDULE 3

Paragraph 2(5)

APPENDIX 1A

SCHEDULE OF TIMETABLE UNDER PERSONAL INJURIES PROCEDURE

| Steps referred to under rule 34.7(1)(c) | Period of time within which action must be carried out* |
|--|--|
| Application for a third party notice under rule 11.1 (rule 34.7(2)(a)) | Not later than 28 days after the form of response has been lodged |
| Pursuer serving a commission for recovery of documents under rule 34.5 (rule 34.7(2)(b)) | Not later than 28 days after the form of response has been lodged |
| Parties adjusting their respective statements (rule 34.7(2)(c)) | Not later than 8 weeks after the form of response has been lodged |
| Pursuer lodging a statement of valuation of claim (rule 34.7(2)(d)) | Not later than 8 weeks after the form of response has been lodged |
| Pursuer lodging a certified adjusted statement of claim (rule 34.7(2)(e)) | Not later than 10 weeks after the form of response has been lodged |
| Defender (and any third party to the action) lodging a certified adjusted response to statement of claim (rule 34.7(2)(f)) | Not later than 10 weeks after the form of response has been lodged |
| Defender (and any third party to the action) lodging a statement of valuation of claim (rule 34.7(2)(g)) | Not later than 12 weeks after the form of response has been lodged |
| Parties lodging a list of witnesses together with any productions on which they wish to rely (rule 34.7(2)(h)) | Not later than 8 weeks before the date assigned for the proof |
| Pursuer lodging the minute of the pre-proof conference (rule 34.7(2)(i)) | Not later than 21 days before the date assigned for the proof |
| *NOTE: Where there is more than one defender in an action, references in the above table to the form of response having been lodged should be read as references to the first lodging of a form of response. | |