
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 313

Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016

CHAPTER 5

INTIMATION AND LODGING

Interpretation of this Chapter

5.1. In this Chapter—

“first class post” means a postal service which seeks to deliver documents or other things by post no later than the next working day in all or the majority of cases;

“intimating party” means any party who has to give intimation in accordance with rule 5.2;

“receiving party” means any party to whom intimation is to be given in accordance with rule 5.2;

“recorded delivery” means a postal service which provides for the delivery of the document or other thing by post to be recorded.

Intimation

5.2. Unless the sheriff orders otherwise, where—

(a) any provision in these Rules requires a party to—

(i) take any procedural step;

(ii) lodge any document;

(iii) intimate any other matter; or

(b) the sheriff orders a party to intimate something,

intimation is to be given to every other party.

Methods of intimation

5.3.—(1) Intimation may be given to a receiving party by any of the methods specified in rules 5.4 and 5.5.

(2) Where the receiving party is represented by a solicitor, intimation may also be given by any of the methods specified in rule 5.6.

Methods of intimation: intimation by recorded delivery

5.4. An intimating party may give intimation by recorded delivery to the receiving party.

Methods of intimation: intimation by sheriff officer

5.5.—(1) A sheriff officer may give intimation on behalf of an intimating party by—

- (a) delivering the intimation personally to the receiving party; or
- (b) leaving the intimation in the hands of—
 - (i) a resident at the receiving party’s dwelling place; or
 - (ii) an employee, agent or representative at the receiving party’s place of business.
- (2) Where a sheriff officer has been unsuccessful in intimation in accordance with paragraph (1), the sheriff officer may give intimation by—
 - (a) depositing it in the receiving party’s dwelling place or place of business; or
 - (b) leaving it at the receiving party’s dwelling place or place of business in such a way that it is likely to come to the attention of that party.

Additional methods of intimation where receiving party represented by solicitor

- 5.6.**—(1) An intimating party may give intimation to the solicitor for the receiving party by—
- (a) delivering it personally to the solicitor;
 - (b) delivering it to a document exchange of which the solicitor is a member;
 - (c) first class post;
 - (d) fax.
- (2) Where intimation is given by the method in paragraph (1)(a) or (d) not later than 1700 hours on any day, the date of intimation is that day.
- (3) Where intimation is given by the method in—
- (a) paragraph (1)(b) or (c); or
 - (b) paragraph (1)(a) or (d) after 1700 hours on any day,
- the date of intimation is the next day.

Form of certificate of intimation

5.7. A certificate of intimation is to be in Form 5.7.

Lodging

- 5.8.**—(1) Where any provision in these Rules requires a party to lodge a document, it is to be lodged with the sheriff clerk.
- (2) A document may be lodged by—
- (a) delivering it personally to the sheriff clerk’s office;
 - (b) delivering it to a document exchange of which the sheriff clerk is a member;
 - (c) first class post;
 - (d) fax.