

SCHEDULE 1

SUMMARY CAUSE RULES 2002

CHAPTER 14

Additional defender

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14.1.—(1) Any person who has not been called as a defender may apply by incidental application to the sheriff for leave to enter an action as a defender, and to state a defence.

(2) An application under this rule must specify—

- (a) the applicant's title and interest to enter the action; and
- (b) the grounds of the defence which he proposes to state.

(3) On the lodging of an application under this rule—

- (a) the sheriff must appoint a date for hearing the application; and
- (b) the applicant must forthwith serve a copy of the application and of the order for a hearing on the parties to the action.

(4) After hearing the applicant and any party to the action the sheriff may, if he is satisfied that the applicant has shown title and interest to enter the action, grant the application.

(5) Where an application is granted under paragraph (4)—

- (a) the applicant shall be treated as a defender; and
- (b) the sheriff must forthwith consider whether any decision already taken in the action on the issues in dispute between the parties requires to be reconsidered in light of the terms of the application.