

SCHEDULE 1

SUMMARY CAUSE RULES 2002

CHAPTER 4

Commencement of action

Period of notice

4.5.—(1) An action shall proceed after the appropriate period of notice of the summons has been given to the defender prior to the return day.

(2) The appropriate period of notice shall be—

- (a) 21 days where the defender is resident or has a place of business within Europe; or
- (b) 42 days where the defender is resident or has a place of business outwith Europe.

(3) The sheriff may, on cause shown, shorten or extend the period of notice on such conditions as to the form of service as he may direct, but in any case where the period of notice is reduced at least two days' notice must be given.

(4) If a period of notice expires on a Saturday, Sunday, public or court holiday, the period of notice shall be deemed to expire on the next day on which the sheriff clerk's office is open for civil court business.

(5) Notwithstanding the terms of section 4(2) of the Citation Amendment (Scotland) Act 1882⁽¹⁾, where service is by post the period of notice shall run from the beginning of the day next following the date of posting.

(6) The sheriff clerk shall insert in the summons—

- (a) the return day, which is the last day on which the defender may return a form of response to the sheriff clerk; and
- (b) the calling date, which is the date set for the action to call in court.

(7) The calling date shall be seven days after the return day.

(1) 1882 c. 77. Section 4 was repealed in part by S.I.1994/1443.