

SCHEDULE 1

SMALL CLAIM RULES 2002

CHAPTER 13

Additional defender

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13.1.—(1) Any person who has not been called as a defender may apply by incidental application to the sheriff for leave to enter a claim 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 claim; 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 fix 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 claim.

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

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

- (a) the applicant shall be treated as a defender; and
- (b) the claim shall proceed against him as if was the Hearing in terms of rule 9.2.