

## SCHEDULE 1

### SMALL CLAIM RULES 2002

#### CHAPTER 19

##### *Abandonment*

##### **Abandonment of claim**

**19.1.**—(1) At any time prior to decree being granted, the pursuer may offer to abandon the claim.

(2) If the pursuer offers to abandon, the sheriff clerk must assess the expenses payable by the pursuer to the defender on such basis as the sheriff may direct subject to the provisions of section 36B of the 1971 Act<sup>(1)</sup> and rule 21.6, and the claim must be continued to the first appropriate court occurring not sooner than 14 days thereafter.

(3) If before the continued diet the pursuer makes payment to the defender of the amount fixed under paragraph (2), the sheriff must dismiss the action unless the pursuer consents to absolvitor.

(4) If before the continued diet the pursuer fails to pay the amount fixed under paragraph (2), the defender shall be entitled to decree of absolvitor with expenses.

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(1) Section 36B was substituted by section 18(2) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73).