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SCHEDULE

FORM 43.2-A Form of summons and backing

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[Insert the Royal Arms
in Scotland]

(This space will contain the cause reference number assigned to the summons on being presented for signeting and registration)

IN THE COURT OF SESSION

SUMMONS

(Personal injuries action)

[A.B.] (designation and address), Pursuer

against

[C.D.] (designation and address), Defender

Elizabeth II, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith, to [C.D.].

By this summons, the pursuer craves the Lords of our Council and Session to pronounce a decree against you in terms of the conclusions appended to this summons. If you have any good reason why such decree should not be pronounced, you must enter appearance at the Office of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ, within three days after the date of the calling of the summons in court. The summons shall not call in court earlier than (enter period of notice) days after it has been served on you. **Be warned that, if appearance is not entered on your behalf, the pursuer may obtain decree against you in your absence.**

This summons is warrant for intimation to (name and address and reason for intimation as set out in the rule of the Rules of the Court of Session 1994 requiring intimation).

Given under our Signet at Edinburgh on (date)

(Signed)

(Name and address of or agent for pursuer)

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Conclusions

FIRST. For payment by the defender to the pursuer of the sum of (amount of sum in words and figures).

SECOND. [enter only if a claim for provisional damages is sought in terms of rule 43.2(2)] or payment by the Defender of [enter amount in words and figures] of provisional damages.

THIRD. For the expenses of the action.

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Statement of claim

1. The pursuer is (state designation, address, occupation and date of birth of pursuer). (In an action arising out of the death of a relative state designation of the deceased and relation to the pursuer).
2. The defender is (state designation, address and occupation of defender).
3. The court has jurisdiction to hear this claim against the defender because (state briefly ground of jurisdiction).
4. (State briefly the facts necessary to establish the claim).
5. (State briefly the personal injuries suffered and give names and addresses of medical practitioners and hospitals or other institutions in which the person injured received treatment).
6. (State whether claim based on fault at common law or breach of statutory duty; if breach of statutory duty, state provision of enactment).

IN RESPECT WHEREOF

(Signed)

Solicitor [or Agent] for the pursuer

(address and solicitor/agent's reference number)

(Backing of summons)

(This space will contain the cause reference number assigned to the summons on being presented for signeting and registration)

FORM 43.2-B Form of order of court in personal injury action for recovery of documents

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IN THE COURT OF SESSION

In the Cause (Cause reference No.)

SPECIFICATION OF DOCUMENTS

[A.B.] (designation and address)

Pursuer

against

[C.D.] (designation and address)

Defender

Date: (date of posting or other method of service)

To: (name and address of party or parties, from whom the following documents are sought to be recovered)

You are hereby required to produce to the agent for the Pursuer within seven days of the service on you of this Order:-

1. All books, medical records reports, charts, X-rays, notes and other documents of (specify name of each medical practitioners named in summons in accordance with rule 43.2(1)(b)), and relating to the pursuer [or as the case may be the deceased], in order that excerpts may be taken therefrom at the sight of the Commissioner of all entries showing or tending to show the nature, extent and cause of the pursuer's [or, as the case may be, the deceased's] injuries when he attended his doctor on or after (specify date) and the treatment received by him since that date.
2. All books, medical records reports, charts, X-rays, notes and other documents of (specify name of each institution named in summons in accordance with rule 43.2(1)(b)), and relating to the pursuer [or, as the case may be, the deceased], in order that excerpts may be taken therefrom at the sight of the Commissioner of all entries showing or tending to show the nature, extent and cause of all injuries from which the pursuer [or, as the case may be, the deceased] was suffering when he was admitted to that institution on or about (specify date), the treatment received by him since that date and his certificate of discharge, if any.
3. All wage books, cash books, wage sheets, computer records and other earnings information held by or on behalf of the defenders, for the period (specify dates) in order that excerpts may be taken therefrom at the sight of the Commissioner of all entries showing or tending to show (a) the pursuer's [or, as the case may be, the deceased's] earnings, both gross and net, over the said period and (b) the earnings of other employees in the same or similar employment over the said period.
4. All accident reports, memoranda or other written communications made to the defenders or anyone on their behalf by an employee of the defenders who was present at or about the time at which the pursuer [or, as the case may be, the deceased] sustained the injuries in respect of which the summons in this cause was issued and relevant to the matters contained in the statement of claim.
5. Failing principals, drafts, copies or duplicates of the above or any of them.

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You may produce these documents either by lodging them at the Office of the Court of Session at the address below or by sending them by registered post or by the first class recorded delivery service or registered postal packet, addressed to (*name and business address of the agent for the pursuer in whose favour commission and diligence has been granted*).

(*Signature, name and business address of the agent for the pursuer in whose favour commission and diligence has been granted.*)

NOTES

(1) The documents recovered will be considered by the parties to the action and they may or may not be lodged in the court process. A written receipt will be given or sent to you by the pursuer, who may thereafter allow them to be inspected by the other parties. The party in whose possession the documents are will be responsible for their safekeeping.

(2) Parties are obliged by rules of court to return the documents to you when their purpose with the documents is finished. If they do not do so, you will be entitled to apply to the court, under rule 35.3(9) of the Rules of the Court of Session 1994, for an order to have this done and you may apply for an award of the expenses incurred in doing so. Further information about this can be obtained from the General Department, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ (Tel. 0131-225 2595).

(3) If you claim that any of the documents produced by you are **confidential**, you must still produce such documents but may place them in a separate sealed packet by themselves, marked "CONFIDENTIAL". In that event they must be delivered or sent by post to the **Deputy Principal Clerk of Session, 2 Parliament Square, Edinburgh, EH1 1RQ**.

(4) Any party who wishes to open the sealed packet must apply to the Court by motion. A party who makes such an application must intimate the motion to you.

Certificate (Date)

I hereby certify with reference to the above order of the Court of Session in the cause (*cause reference number*) and the enclosed specification of documents, served on me and marked respectively X and Y:-

(1) That the documents which are produced and which are listed in the enclosed inventory signed by me and marked Z, are all the documents in my possession falling within the specification.

or

That I have no documents in my possession falling within the specification.

(2) That, to the best of my knowledge and belief, there are in existence other documents falling within the specification, but not in my possession. These documents are as follows:- (*describe them by reference to the descriptions of documents in the specification*). They were last seen by me on or about (*date*), at (*place*), in the hands of (*name and address of the person*).

or

That I know of the existence of no documents in the possession of any person, other than myself, which fall within the specification.

(Signed)

(Name and address)

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FORM 43.3 Form of citation of defender

CITATION

Date:
(date of posting or other method of service)

To:

[C.D.](address of defender)

IN HER MAJESTY'S NAME AND AUTHORITY, I, (name of agent), solicitor [or person having a right to conduct the litigation], for (name of pursuer) [or (name of messenger-at-arms)], Messenger-at arms], serve the attached summons on you.

The summons contains a claim for reparation for personal injuries [or for reparation arising from the death of (name of the deceased) from personal injuries] made by (name of pursuer) against you in the Court of Session, Edinburgh.

If you intend to deny this claim you must: (1) enter appearance at the Office of Court, Court of Session, 2 Parliament Square, EDINBURGH, EH1 1RQ, within three days after (the date on which the summons calls in court); and (2) subsequently lodge defences within seven days after (the date on which the summons calls in court). The summons will not call in court earlier than (enter period of notice) days after it has been served on you. The date of service is the date stated at the top of this citation unless service has been by post in which case the date of service is the day after that date.

If you do not enter appearance and lodge defences, the court may make an order against you.

IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS NOTICE, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.

(Signed)

Messenger-at Arms

[or Solicitor [or Agent] for pursuer(s)]

(Address)

FORM 43.6 Form of timetable order

IN THE COURT OF SESSION

TIMETABLE ORDER

In the cause

[A.B.]

Pursuer

against

[C.D.]

Defender

This order has effect as if it were an interlocutor of the court signed by the Lord Ordinary.

1. The diet allocated for the trial of this action will begin on (date). Subject to any variation under rule 43.7, this order requires the parties to undertake the conduct of this action within the periods specified in paragraphs 2 to 9 below.
2. Any motion under rule 26.1 (third party notice) shall be made by (date).
3. Where the pursuer has obtained a commission and diligence for the recovery of documents by virtue of rule 43.4, the pursuer shall serve an order under rule 35.3 not later than (date).
4. The pursuer shall lodge a statement of valuation of claim under rule 43.8(2) not later than (date).
5. For the purposes of rule 43.6(1)(b)(iii), the adjustment period shall end on (date).
6. The pursuer shall lodge a record no later than (date).
7. The defender [and any third party convened in the action] shall lodge a statement of valuation of claim under rule 43.9(2) not later than (date).
8. Not later than (date) parties shall lodge list of witnesses and productions.
9. Not later than (date) the pursuer shall lodge a pre-trial minute under rule 43.10(2).

FORM 43.9 Form of Statement of Value of Claim

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<i>Head of claim</i>	<i>Components</i>	<i>Valuation</i>
Solatum	Past Future	£x £x
Interest on past <u>solatum</u>	Percentage applied to past solatum State percentage rate	£x
Past wage loss	Date from which wage loss claimed (.....) Date to which wage loss Claimed (.....) Rate of net wage loss (per week, per month or per annum)	£x
Interest on past wage loss	Percentage applied to past wage loss (<u>State percentage rate</u>)	£x
Future wage loss	Multiplier (.....) Multiplicand (showing how calculated) Discount factor applied (if appropriate) Or specify any other method of calculation	£x
Past services	Date from which services claimed (.....) Date to which services claimed (.....) Nature of services (.....) Person by whom services provided (.....) Hours per week services provided (.....) Net hourly rate claimed (.....) Total amount claimed (.....) Interest	£x
Future loss of capacity to provide personal services	Multiplier (.....) Multiplicand (showing how calculated)	£x
Needs and other expenses	One off Multiplier (.....) Multiplicand Interest	£x £x
Any other heads as appropriate (specify)		

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FORM 43.10 Minute of Pre-Trial Meeting

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IN THE COURT OF SESSION

Joint Minute of Pre-Trial Meeting

in the cause

[A.B.]

Pursuer

against

[C.D.]

Defender

GH for the Pursuer and

IJ for the Defenders hereby state to the court:–

- (1) That the pre-trial meeting was held in this case at [] on [].
- (2) That the following persons were present:–
(State names and designations of persons attending meeting)
- (3) That the persons present discussed settlement of the action.
- (4) That the following questions were addressed:–

Section 1

		Yes	No
1.	Is the diet of proof or trial still required		
2.	If the answer to question 1 is “yes”, does the defender admit liability? (If “no”, complete section 2)		
3.	If the answer to question 1 is “yes”, is the quantum” of damages agreed? (If “no”, complete section 3)		

Section 2

[To be inserted only if the proof or trial is still required.]

It is estimated that the hearing will last days.

By notice(s) dated [], the pursuer called on the defender to make certain admissions.

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Those calls, and the defender's responses, are as follows:–

<i>Call</i>	<i>Response</i>	
	Admitted	Denied
1.		
2.		
3.		
4.		

By notice(s) dated [], the defender called on the pursuer to make certain admissions.

Those calls, and the pursuer's responses, are as follows:–

<i>Call</i>	<i>Response</i>	
	Admitted	Denied
1.		
2.		
3.		
4.		

Section 3

Quantum of Damages

Please indicate where agreement has been reached on an element of damages.

<i>Head of claim</i>	<i>Components</i>	<i>Not agreed</i>	<i>Agreed at</i>
Solatium	Past Future		
Interest on past <u>solatium</u>	Percentage applied to past <u>solatium</u> (<i>State percentage</i>)		
Past wage loss	Date from which wage loss claimed Date to which wage loss claimed Rate of net wage loss (per week, per month or per annum)		
Interest on past wage loss			
Future wage loss	Multiplier Multiplicand (showing how calculated)		
Past services	Date from which services claimed Date to which services claimed Hours per week services provided Net hourly rate claimed		

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<i>Head of claim</i>	<i>Components</i>	<i>Not agreed</i>	<i>Agreed at</i>
Interest on past services			
Future services	Multiplier Multiplicand (showing how calculated)		
Needs and other expenses	One off Multiplier Multiplicand (showing how calculated)		
Any other heads as appropriate (specify)			

IN RESPECT WHEREOF

(Signed by counsel/solicitor advocate for each party)

FORM 43.13-A Form of conclusion for application for an award of further damages

For payment to the pursuer by the defender of the sum (amount in words and figures) as further damages.

FORM 43.13-B Form of notice of application for further damages

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Date: (date of posting or other method of service)

To: (name and address of persons on whom served)

TAKE NOTICE

(Pursuer's name and address), pursuer, raised an action against (defender's name and address), defender, in the Court of Session.

In the action, [Lord (name)] in the Court of Session on (date) made an award of provisional damages in favour of the pursuer against you [or (party's name)]. [The court specified that the pursuer may apply for an award of further damages at any time before (date).] The pursuer has applied by minute for an award of further damages against you [or (party's name)]. A copy of the minute is [and the summons in the action are] attached. You may lodge answers to the minute within [21] days after the date of service on you of the minute at the Office of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ. The date of service is the date stated at the top of this notice unless service has been made by post in which case the date of service is the day after that date.

IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS NOTICE, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.

(Signed)

Messenger-at-Arms
[or Solicitor [or Agent] for pursuer]

(Address)

FORM 43.15 Form of notice of intimation to connected person in an action for damages

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Date: (date of posting or other method of intimation)

To: (name and address of connected person)

TAKE NOTICE

(Names and addresses of all pursuers) have raised an action against (names and addresses of all defenders) in the Court of Session, Edinburgh. The action relates to the death of (name and last address of deceased) [or the personal injuries from which (name and last address of deceased) died].

You are believed to have a right to sue arising from his [or her] death. If this is the case, you are entitled to be added as an additional pursuer in the action. A copy of the summons in the action is attached.

You may apply to the court to be added as a pursuer after the date of intimation to you of the summons [or if the warrant for intimation is executed at the same time as citation of the defender, within seven days after the date on which the summons calls in the court. The summons may not call in Court earlier than (enter period of notice) days after the date of intimation to you of the summons. The date of intimation is the date stated at the top of this notice unless intimation has been made by post in which case the date of intimation is the day after that date.

If you do not apply to be added as an additional pursuer and subsequently bring a separate action, under rule 43.20 of the Rules of the Court of Session 1994 you may not be awarded the expenses of that action in the event of your being successful.

[It is proposed to apply to the court for authority to dispense with intimation to the person(s) mentioned in paragraph (number of paragraph) of the statement attached to the summons. The whereabouts of such person(s) are not known. If you know of that person (or any of those persons), you should inform the Deputy Principal Clerk of Session, Court of Session, Parliament Square, Edinburgh EH1 1RQ (Telephone 0131-225-2595)].

IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS NOTICE, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.

(Signed)

Messenger-at Arms
[or Solicitor [or Agent] for pursuer(s)]

(Address)