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SCHEDULE

Paragraph 2(3)

PART 1

FORM 35.16–A Form of minute for request to take evidence

Rule 35.16(3)

IN THE COURT OF SESSION

MINUTE

for

[A.B.] (or [C.D.]) (designation and address)

in the cause [or in the petition of]

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

against

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

(Name of counsel or other person having a right of audience) for the Minuter states to the court that the evidence specified in the proposed request lodged with this Minute is required for the purpose of this cause and prays the court to issue a request in terms of the proposed request to (specify the court or tribunal having power to obtain evidence) to obtain the evidence so specified.

(Signed by counsel or other person having a right of audience)

FORM 35.16–B Form of notice to person in another Member State of intention to seek to take direct evidence

Rule 35.16(8)

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

To: (name and address of person to give evidence)

You are a witness for the pursuer [or petitioner] [or defender] [or respondent] in the case raised by [or to be raised by] (name) against (name).

The pursuer [or petitioner] [or defender] [or respondent] has requested that evidence be taken directly from you by means of (specify the communications technology to be used) from the (name of the requested court) to the Court of Session.

This evidence can only be taken directly from you if you agree to give evidence in this way. If you do not agree to give evidence directly the pursuer [or petitioner] [or defender] [or respondent] may apply for a request to have evidence taken from you in (name of requested court) without the means of (specify the communications technology).

Please return the enclosed response form to the Deputy Principal Clerk of Session within 14 days after the date of this notice stated at the top of this notice.

FORM 35.16–C Form of response form to be completed and returned to requesting court by witness

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Rule 35.16(8)

To: Deputy Principal Clerk of Session, Court of Session, Parliament House, Edinburgh, EH1 1RQ

From: *(name to be printed by person serving the notice)*

Date: *(date)*

I, *(name and address of witness to be completed by person serving the notice)*, have received the notice seeking my agreement to have evidence taken directly from me as a witness for the pursuer [or petitioner] [or defender] [or respondent] in the Court of Session case raised by *(or to be raised by)* *(name of pursuer or petitioner)* against *(name of defender or respondent)* at *(person sending notice to specify the court)* by means of *(person serving notice to specify communications technology to be used)*.

I confirm that I agree to voluntarily attend at *(person sending notice to specify the court)* to have evidence taken directly from me in this case.*

I confirm that I do not agree to voluntarily attend at *(person sending notice to specify the court)* to have evidence taken directly from me in this case.*

*(*Please delete as appropriate)*

(Signature of witness)

Paragraph 2(6)

PART 2

FORM 72.2A Form of declaration regarding debt payment programme

IN THE COURT OF SESSION

in the PETITION of

[A.B.] (*designation and address*)

for

the sequestration of the estate of (*name and address of debtor*)

At on the day of

I, (*name of person making the declaration*) am the petitioner and debtor [*or* petitioner and creditor] [*or* a concurring creditor] in the petition for the sequestration of (*name of debtor*) and I hereby state—

that the debt[s] founded upon in the petition for sequestration of the estates of (*name of debtor*) is [*or* are] not debt[s] subject to an approved debt payment programme under section 2 of the Debt Arrangement and Attachments (Scotland) Act 2002.

[*or*]

that although the debtor (*name of debtor*) is subject to an approved debt payment programme under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002 the debt[s] founded on in the petition for sequestration is [*or* are] in relation to credit given to the debtor in terms of Regulation 35(1)(b) of the Debt Arrangement Scheme (Scotland) Regulations 2004.

(*Signed by person making the declaration*)

(*Designation*)

(*Address*)

Paragraph 2(7)

PART 3

FORM 87.1 Form of notice of intimation to the Office of Fair Trading

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Rule 87.1(2)

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

To: The Office of Fair Trading

TAKE NOTICE

(Name and address of pursuer or defender) has brought an action against [or has defended an action brought by] (name and address of defender or pursuer) [or (name and address of petitioner or respondent) has raised a petition [or responded to a petition raised by] (name and address of respondent or petitioner)]. The action raises issues under Article 81 or 82 of the Treaty establishing the European Community. A copy of the summons [or petition] is [or pleadings and interlocutor allowing intimation are] attached.

You may apply to the court by motion for leave to be sisted as a party in the action. You must do so at the Office of Court, Court of Session, 2 Parliament Square, Edinburgh, EH1 1RQ within [21] days after the date of intimation to you of this notice [or if the warrant for intimation is executed before the calling of the summons, within [7] days after the summons calls in court. The summons will not call in court earlier than [21] 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.

(Signed)

Messenger-at-arms

[or Solicitor [or Agent] for Pursuer [or Petitioner or Defender or Respondent]]

(Address)