SCHEDULE

Rule 4(2)

FORM 1

Form of notice that claim presented under European Small Claims Procedure outside scope of Regulation

Form of notice that claim presented under European Small Claims Procedure outside scope of Regulation

EUROPEAN SMALL CLAIMS PROCEDURE

Notice under Article 4(3) of
Regulation (EC) No. 861/2007 of 11th July 2007

NOTICE

THAT CLAIM PRESENTED UNDER EUROPEAN SMALL CLAIMS PROCEDURE OUTSIDE SCOPE OF REGULATION

UNDER ARTICLE 4(3) OF REGULATION (EC) NO 861/2007

To [A.B.] [*address*]

You are hereby notified that the claim presented by you under the European Small Claims Procedure is outside the scope of the Regulation. Unless you withdraw the claim, it shall now proceed under [*the ordinary cause procedure*] [*the small claim procedure*] [*the summary cause procedure*]*. If you wish to withdraw the claim, you should write to me to this effect to reach me no later than [*insert date of day 21 days after date of posting*].

* *delete as appropriate*

Further advice can be obtained by contacting a Citizen's Advice Bureau or a Solicitor.

(*Signed*)

(*Address*)

Sheriff Clerk [Depute]

(*Place and date*)

Rule 4(5)

FORM 2

Form of notice that claim presented under European Small Claims Procedure transferred to domestic procedure

**Form of notice that claim presented under European Small Claims
Procedure transferred to domestic procedure**

EUROPEAN SMALL CLAIMS PROCEDURE

Notice under Article 4(3) of
Regulation (EC) No. 861/2007 of 11th July 2007

NOTICE

THAT CLAIM PRESENTED UNDER EUROPEAN SMALL CLAIMS PROCEDURE
TRANSFERRED TO DOMESTIC PROCEDURE

UNDER ARTICLE 4(3) OF REGULATION (EC) NO 861/2007

To [A.B.] [*address*]

You were previously notified that the claim presented by you under the European Small Claims
Procedure is outside the scope of the Regulation. There having been no indication that you wish
to withdraw the claim, it shall now proceed under [*the ordinary cause procedure*] [*the small claim
procedure*] [*the summary cause procedure*]*. Under rule 4(3) of the Act of Sederunt (Sheriff
Court European Small Claims Procedure Rules) 2008, the sheriff has made an order for the
purpose of bringing the proceedings into line with an appropriate stage of the proceedings under
the rules which apply to such a cause or claim. A copy of the sheriff's order is attached.

   * *delete as appropriate*

Further advice can be obtained by contacting a Citizen's Advice Bureau or a Solicitor.

(*Signed*)

(*Address*)

Sheriff Clerk [Depute]

(*Place and date*)

Rule 5(1)

FORM 3

Form of application for review of a judgement given in the European Small Claims Procedure under Article 18(1) of Regulation (EC) No 861/2007 of 11th July 2007

Form of application for review of a judgment given in the European Small Claims Procedure under Article 18(1) of Regulation (EC) No 861/2007 of 11th July 2007

EUROPEAN SMALL CLAIMS PROCEDURE

Application under Article 18(1) of
Regulation (EC) No. 861/2007 of 11th July 2007

APPLICATION FOR

REVIEW OF JUDGMENT GIVEN IN THE EUROPEAN SMALL CLAIMS PROCEDURE

UNDER ARTICLE 18(1) OF REGULATION (EC) NO 861/2007

Sheriff Court at [*insert court*]

Court ref:

I, [*insert name and address*], apply under Article 18(1) of Regulation (EC) No 861/2007 for a review of the judgment given in the European Small Claims Procedure by the court on [*insert date*] in favour of [*name and address of claimant*], for the following reasons:

- Service was not effected in sufficient time to enable me to arrange for my defence, without any fault on my part *

- I was prevented from objecting to the claim by reason of force majeure or due to extraordinary circumstances, without any fault on my part *

    * delete as appropriate

I ask the court to intimate this application on the claimant.

(*Signed*)

Rule 5(2)

FORM 4

Form of application for refusal of enforcement of a judgement given in the European Small Claims Procedure under Article 22(1) of Regulation (EC) No 861/2007 of 11th July 2007

EUROPEAN SMALL CLAIMS PROCEDURE

Application under Article 22(1) of
Regulation (EC) No. 861/2007 of 11th July 2007

APPLICATION FOR

REFUSAL OF ENFORCEMENT OF A JUDGMENT GIVEN IN THE EUROPEAN SMALL CLAIMS PROCEDURE

UNDER ARTICLE 22(1) OF REGULATION (EC) NO 861/2007

Sheriff Court at [*insert court*]

Court ref:

I, [*insert name and address*], apply under Article 22(1) of Regulation (EC) No 861/2007 for the court to make an order refusing enforcement of a judgment given in the European Small Claims Procedure by the court on [*insert date*] in favour of [*name and address of claimant*], as the order is irreconcilable with an earlier judgment given in a Member State or a third country. [*Give details here of decision or order made and in which Member State or third country*], and:

- the earlier judgment involved the same cause of action and the same parties;

- the earlier judgment was given in the Member State of enforcement or fulfils the conditions necessary for its recognition in the Member State of enforcement; and

- the irreconcilability was not and could not have been raised as an objection in the court or tribunal proceedings in the United Kingdom.

I ask the court to intimate this application on the claimant.

(*Signed*)

Rule 5(3)

FORM 5

Form of application for stay or limitation of enforcement of a judgement given in the European Small Claims Procedure under Article 23(1) of Regulation (EC) No 861/2007 of 11th July 2007

Form of application for stay or limitation of enforcement of a judgment given in the European Small Claims Procedure under Article 23(1) of Regulation (EC) No 861/2007 of 11th July 2007

EUROPEAN SMALL CLAIMS PROCEDURE

Application under Article 23(1) of
Regulation (EC) No. 861/2007 of 11th July 2007

APPLICATION FOR

STAY OR LIMITATION OF A JUDGMENT GIVEN IN THE EUROPEAN SMALL CLAIMS PROCEDURE

UNDER ARTICLE 23(1) OF REGULATION (EC) NO 861/2007

Sheriff Court at [*insert court*]

Court ref:

I, [*insert name and address*], apply under Article 23(1) of Regulation (EC) No 861/2007 for the court to [*limit / stay*]* the enforcement of the judgment given in the European Small Claims Procedure granted by the court on [*insert date*] in favour of [*insert name and address of claimant*].

* *delete as appropriate*

I ask the court to intimate this application on the claimant.

(*Signed*)