

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2009 No. 294**

**Act of Sederunt (Sheriff Court Rules)  
(Miscellaneous Amendments) 2009**

**Dismissal of actions due to delay**

15. After Chapter 22 of the Summary Cause Rules (decree by default) insert—

“CHAPTER 22A

DISMISSAL OF ACTION DUE TO DELAY

**Dismissal of action due to delay**

**22A.1.**—(1) Any party to an action may, while that action is depending before the court, apply by written incidental application to the court to dismiss the action due to inordinate and inexcusable delay by another party or another party’s agent in progressing the action, resulting in unfairness.

(2) An application under paragraph (1) shall include a statement of the grounds on which it is proposed that the application should be allowed or as the case may be.

(3) In determining an application made under this rule, the court may dismiss the action if it appears to the court that—

- (a) there has been an inordinate and inexcusable delay on the part of any party or any party’s agent in progressing the action; and
- (b) such delay results in unfairness specific to the factual circumstances, including the procedural circumstances, of that action.

(4) In determining whether or not to dismiss an action under paragraph (3), the court shall take account of the procedural consequences, both for the parties and for the work of the court, of allowing the action to proceed.

(5) Rule 9.1 shall, with the necessary modifications, apply to an application under paragraph (1).”.