
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 294

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

Time to pay directions and time orders

- 2.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.
(2) After rule 3.2 (actions relating to heritable property) insert—

“Actions relating to regulated agreements

3.2A. In an action which relates to a regulated agreement within the meaning given by section 189(1) of the Consumer Credit Act 1974⁽¹⁾—

- (a) the initial writ shall include an averment that such an agreement exists and details of that agreement; and
 - (b) a copy of the regulated agreement shall be attached to the initial writ.”.
- (3) In rule 7.3 (applications for time to pay directions or time orders in undefended causes)—
- (a) after paragraph (2) insert—
 - “(2A) As soon as possible after the application of the defender is lodged, the sheriff clerk shall send a copy of it to the pursuer by first class ordinary post.”; and
 - (b) for paragraph (4) substitute—
 - “(4) Where the pursuer objects to the application of the defender made in accordance with paragraph (2) he shall on the same date—
 - (a) complete and lodge with the sheriff clerk Form O3A;
 - (b) minute for decree in accordance with rule 7.2; and
 - (c) send a copy of Form O3A to the defender.
 - (4A) The sheriff clerk shall then fix a hearing on the application of the defender and intimate the hearing to the pursuer and the defender.
 - (4B) The hearing must be fixed for a date within 28 days of the date on which the Form O3A and the minute for decree are lodged.”.
- (4) In the Schedule, for Form O3 (form of citation where application for time to pay direction and time order may be made) substitute the forms set out in Schedule 1 to this Act of Sederunt.