
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 294

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

Time to pay directions and time orders

5.—(1) The Small Claim Rules are amended in accordance with the following subparagraphs.

(2) After rule 4.2 (statement of claim) insert—

“Actions relating to regulated agreements

4.2A. In an action which relates to a regulated agreement within the meaning given by section 189(1) of the Consumer Credit Act 1974—

- (a) the statement of claim shall include an averment that such an agreement exists and details of the agreement; and
- (b) a copy of the regulated agreement shall be attached to the summons.”.

(3) In rule 8.2 (application for time to pay direction or time order)—

(a) after paragraph (1) insert—

“(1A) The sheriff clerk must on receipt forthwith intimate to the pursuer a copy of any response lodged under paragraph (1).”;

(b) in paragraph (2) for “two days” substitute “9 days”; and

(c) for paragraph (4) substitute—

“(4) If the pursuer wishes to oppose the application for a time to pay direction or time order made in accordance with paragraph (1)(a) he must before the time the sheriff clerk’s office closes for business on the day occurring 9 days before the hearing date—

- (a) lodge a minute in Form 13; and
- (b) send a copy of that minute to the defender.”.

(4) For Form 1a in Appendix 1 (summons) substitute the form set out in Schedule 5 to this Act of Sederunt.

(5) For Form 13 in Appendix 1 (form of minute) substitute the form set out in Schedule 6 to this Act of Sederunt.