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SCHEDULE 3

Paragraph 4(4)

Rule 4.3(a)

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Form 1a

OFFICIAL USE ONLY
SUMMONS No.

Summary Cause Summons

Action for/of

(state type, e.g. payment of money)

DEFENDER'S COPY: Claim for or including payment of money (where time to pay direction or time order may be applied for)

Sheriff Court
(name, address, e-mail and
telephone no.)

1

Name and address of
person raising the action
(**pursuer**)

2

Name and address of
person against whom
action raised (**defender,**
arrestee, etc.)

3

Name(s) and address(es) of
any interested party (e.g.
connected person)

3a

Claim (form of decree of
other order sought)

4

Name, full address,
telephone no., and e-mail
address of pursuer's
solicitor or representative
(if any) acting in the case

5

6

RETURN DAY	20			
CALLING DATE	20	at	am.	

NOTE: You will find details of claim on page 2.

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7.	<p>STATEMENT OF CLAIM PARICULARS OF ARRESTMENT (furthcoming actions only) (To be completed by the pursuer. If space is insufficient, a separate sheet may be attached)</p> <p>The details of the claim are:</p>				
8.	<p>SERVICE ON DEFENDER</p> <table data-bbox="408 1167 1002 1256"><tr><td>(Place)</td><td>(Date)</td></tr><tr><td>To:</td><td>(Defender)</td></tr></table> <p>You are hereby served with a copy of the above summons.</p> <p style="text-align: right;">Solicitor / sheriff officer <i>delete as appropriate</i></p>	(Place)	(Date)	To:	(Defender)
(Place)	(Date)				
To:	(Defender)				

NOTE: The pursuer should complete boxes 1 to 6 on page 1, the statement of claim in box 7 on page 2 and section A on page 6 before service on the defender. The person serving the Summons will complete box 8, above.

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WHAT MUST I DO ABOUT THIS SUMMONS?

The RETURN DAY (on page 1 of this summons) is the deadline by which you need to reply to the court. You must send the correct forms back (see below for details) by this date if you want the court to hear your case. If you do not do this, in most cases there will not be a hearing about your case and the court will make a decision in your absence.

The CALLING DAY (on page 1 of this summons) is the date for the court hearing.

Note: If your case is about **recovery of possession of heritable property** (eviction) there will be a hearing even if you do not send back the forms, so you should attend court on the calling date. If you make an application for time to pay in such a case and the court accepts your application, it may still make an order for eviction, so you should attend court if you wish to defend the action for eviction.

You should decide whether you wish to dispute the claim and/or whether you owe any money or not, and how you wish to proceed. Then, look at the 5 options listed below. Find the one that covers your decision and follow the instructions given there.

If you are not sure what you need to do, contact the sheriff clerk's office before the return day. Written guidance can also be obtained from the Scottish Court Service website (www.scotcourts.gov.uk).

OPTIONS

1. ADMIT LIABILITY FOR THE CLAIM and settle it with the pursuer now.

If you wish to avoid the possibility of a court order passing against you, you should settle the claim (including any question of expenses) with the pursuer or his representative **in good time before the return day**. Please do not send any payment direct to the court. Any payment should be made to the pursuer or his representative.

2. ADMIT LIABILITY FOR THE CLAIM and make written application to pay by instalments or by deferred lump sum.

Complete Box 1 of section B on page 6 of this form and return pages 6, 8 and 9 to the court **to arrive on or before the return day**. You should then contact the court to find out whether or not the pursuer has accepted your offer. If he has not accepted it, the case will then call in court on the calling date, when the court will decide how the amount claimed is to be paid.

NOTE: If you fail to return pages 6, 8 and 9 as directed, or if, having returned them, you fail to attend or are not represented at the calling date if the case is to call, the court may decide the claim in your absence.

3. ADMIT LIABILITY FOR THE CLAIM and attend at court to make application to pay by instalments or deferred lump sum.

Complete Box 2 on page 6. Return page 6 to the court so that it arrives **on or before the return day**.

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You must attend personally, or be represented, at court on the calling date. Your representative may be a Solicitor, or someone else having your authority. It may be helpful if you or your representative bring pages 1 and 2 of this form to the court.

NOTE: If you fail to return page 6 as directed, or if, having returned it, you fail to attend or are not represented at the calling date, the court may decide the claim in your absence.

4. DISPUTE THE CLAIM and attend at court to do any of the following:

- Challenge the jurisdiction of the court or the competency of the action
- Defend the action (whether as regards the sum claimed or otherwise)
- State a counterclaim

Complete Box 3 on page 6. Return page 6 to the court so that it arrives **on or before the return day. You must attend personally, or be represented, at court on the calling date.**

Your representative may be a solicitor, or someone else having your authority. It may be helpful if you or your representative bring pages 1 and 2 of this form to the court.

NOTE: If you fail to return page 6 as directed, or if, having returned it, you fail to attend or are not represented at the calling date, the court may decide the claim in your absence.

WRITTEN NOTE OF PROPOSED DEFENCE

You must send to the court by the return day a written note of any proposed defence, or intimate that you intend to dispute the sum claimed or wish to dispute the court's jurisdiction. You must also attend or be represented at court on the calling date.

5. ADMIT LIABILITY FOR THE CLAIM and make written application for a time order under the Consumer Credit Act 1974.

Complete Box 4 on page 6 and return pages 6 and 10 to 12 to the court to arrive on or before the return day. You should then contact the court to find out whether or not the pursuer has accepted your offer. Where you have been advised that the pursuer has not accepted your offer then the case will call in court on the calling date. You should appear in court on the calling date as the court will decide how the amount claimed is to be paid.

NOTE: If you fail to return pages 6 and 10 to 12 as directed, or if, having returned them, you fail to attend or are not represented at the calling date if the case is to call, the court may decide the claim in your absence.

PLEASE NOTE

If you do nothing about this summons, the court will almost certainly, where appropriate, grant decree against you and order you to pay the pursuer the sum claimed, including any interest and expenses found due.

YOU ARE ADVISED TO KEEP PAGES 1 AND 2, AS THEY MAY BE USEFUL AT A LATER STAGE OF THE CASE.

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Notes:

(1) Time to pay directions

The Debtors (Scotland) Act 1987 gives you the right to apply to the court for a “time to pay direction”. This is an order which allows you to pay any sum which the court orders you to pay either in instalments or by deferred lump sum. A “deferred lump sum” means that you will be ordered by the court to pay the whole amount at one time within a period which the court will specify.

If the court makes a time to pay direction it may also recall or restrict any arrestment made on your property by the pursuer in connection with the action or debt (for example, your bank account may have been frozen).

No court fee is payable when making an application for a time to pay direction.

If a time to pay direction is made, a copy of the court order (called an extract decree) will be sent to you by the pursuer telling you when payment should start or when it is you have to pay the lump sum.

If a time to pay direction is not made, and an order for immediate payment is made against you, an order to pay (called a charge) may be served on you if you do not pay.

(2) Determination of application

Under the 1987 Act, the court is required to make a time to pay direction if satisfied that it is reasonable in the circumstances to do so, and having regard in particular to the following matters—

- The nature of and reasons for the debt in relation to which decree is granted
- Any action taken by the creditor to assist the debtor in paying the debt
- The debtor’s financial position
- The reasonableness of any proposal by the debtor to pay that debt
- The reasonableness of any refusal or objection by the creditor to any proposal or offer by the debtor to pay the debt.

(3) Time Orders

The Consumer Credit Act 1974 allows you to apply to the court for a “time order” during a court action, to ask the court to give you more time to pay a loan agreement. **A time order is similar to a time to pay direction, but can only be applied for where the court action is about a credit agreement regulated by the Consumer Credit Act.** The court has power to grant a time order in respect of a regulated agreement to reschedule payment of the sum owed. This means that a time order can change:

- the amount you have to pay each month
- how long the loan will last
- in some cases, the interest rate payable

A time order can also stop the creditor taking away any item bought by you on hire purchase or conditional sale under the regulated agreement, so long as you continue to pay the instalments agreed.

No court fee is payable when making an application for a time order.

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SECTION A
This section must be completed before service

Summons No
Return Day
Calling Date

SHERIFF COURT (Including address)

PURSUER'S FULL NAME AND ADDRESS

DEFENDER'S FULL NAME AND ADDRESS

SECTION B DEFENDER'S RESPONSE TO THE SUMMONS

**** Delete those boxes which do not apply**

****Box 1**

<p>ADMIT LIABILITY FOR THE CLAIM and make <u>written</u> application to pay by instalments or by <u>deferred</u> lump sum.</p> <p>I do not intend to defend the case but admit liability for the claim.</p> <p>I wish to make a written application about payment.</p> <p>I have completed the application form on pages 8 and 9.</p>
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****Box 2**

<p>ADMIT LIABILITY FOR THE CLAIM and <u>attend at court</u> to make application to pay by instalments or deferred lump sum.</p> <p>I admit liability for the claim.</p> <p>I intend to appear or be represented at court on the calling date.</p>
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****Box 3**

<p>DISPUTE THE CLAIM (or the amount due) and attend at court</p> <p>*I intend to challenge the jurisdiction of the court.</p> <p>*I intend to challenge the competency of the action.</p> <p>*I intend to defend the action.</p> <p>*I wish to dispute the amount due only.</p> <p>*I apply for warrant to serve a third party notice (see page 14).</p> <p>I intend to appear or be represented in court on the calling date.</p> <p>*I attach a note of my proposed defence/counterclaim.</p> <p style="text-align: center;">OR</p> <p>*I return form 10b (personal injury cases only).</p> <p><i>*delete as necessary</i></p>

****Box 4**

<p>ADMIT LIABILITY FOR THE CLAIM and apply for a time order under the Consumer Credit Act 1974.</p> <p>I do not intend to defend the case but admit liability for the claim.</p> <p>I wish to apply for a time order under the Consumer Credit Act 1974.</p> <p>I have completed the application form on pages 10 to 12.</p>

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WRITTEN NOTE OF PROPOSE DEFENCE / COUNTERCLAIM

State which facts in the statement of claim are admitted:

State briefly any facts regarding the circumstances of the claim on which you intent to rely:

State details of counterclaim, if any:

PLEASE REMEMBER: You must send your response to the court to **arrive on or before the return day** if you have completed a response in Section B. If you have admitted the claim, please do not send any payment direct to the court. **Any payments you wish to make should be made to the pursuer or his solicitor.**

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APPLICATION IN WRITING FOR A TIME TO PAY DIRECTION UNDER THE DEBTORS (SCOTLAND) ACT 1987

I WISH TO APPLY FOR A TIME TO PAY DIRECTION

I admit the claim and make application to pay as follows:

(1) By instalments of £ _____ per *week / fortnight / month

OR

(2) In one payment within _____ *weeks / months from the date of the court order.

The debt is for (*specify the nature of the debt*) and has arisen (*here set out the reasons the debt has arisen*)

Please also state why you say a time to pay direction should be made. In doing so, please consider the Notes (1) and (2) on page 5.

To help the court please provide details of your financial position in the boxes below.

I am employed / self-employed / unemployed
***Please also indicate whether payment/receipts are weekly, fortnightly or monthly**

My outgoings are:	*Weekly / fortnightly / monthly	My net income is	*Weekly / fortnightly / monthly
Rent/mortgage	£	Wages/pensions	£
Council tax	£	State benefits	£
Gas/electricity etc	£	Tax credits	£
Food	£	Other	£
Loans and credit agreements	£		
Phone	£		
Other	£		
Total	£	Total	£

People who rely on your income (e.g. spouse/civil partner/ partner/children) – how many

PAGE 8

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Please list details of all capital held, e.g. value of house; amount in savings account, shares or other investments:

I am of the opinion that the payment offer is reasonable for the following reason(s):

Here set out any information you consider relevant to the court's determination of the application. In doing so, please consider Note (2) on page 5.

***APPLICATION FOR RECALL OR RESTRICTION OF AN ARRESTMENT**

I seek the recall or restriction of the arrestment of which the details are as follows:

Date:

**Delete if inapplicable*

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	APPLICATION FOR A TIME ORDER UNDER THE CONSUMER CREDIT ACT 1974	
	By	
		DEFENDER
	In an action raised by	
		PURSUER
	PLEASE WRITE IN INK USING BLOCK CAPITALS	
	<p>If you wish to apply to pay by instalments enter the amount at box 3. If you wish the court to make any additional orders, please give details at box 4. Please give details of the regulated agreement at box 5 and details of your financial position in the spaces provided below box 5.</p> <p>Sign and date the application where indicated. You should ensure that your application arrives at the court along with the completed page 6 on or before the return day.</p>	
	<p>1. The Applicant is a defender in the action brought by the above named pursuer.</p> <p>I/WE WISH TO APPLY FOR A TIME ORDER under the Consumer Credit Act 1974</p>	
	<p>2. Details of order(s) sought</p> <p>The defender wishes to apply for a time order under section 129 of the Consumer Credit Act 1974.</p> <p>The defender wishes to apply for an order in terms of section of the Consumer Credit Act 1974.</p>	
		PAGE 10

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	<p>3. Proposals for payment</p> <p>I admit the claim and apply to pay the arrears and future instalments as follows:</p> <p>By instalments of £ per *week/fortnight/month</p> <p>No time to pay direction or time to pay order has been made in relation to this debt.</p>
	<p>4. Additional orders sought</p> <p>The following additional order(s) is (are) sought: <i>(specify)</i></p> <p>The order(s) sought in addition to the time order is (are) sought for the following reasons:</p>
	<p>5. Details of regulated agreement</p> <p>(a) Date of agreement</p> <p>(b) Reference number of agreement</p> <p><i>(Please attach a copy of the agreement)</i></p>
	<p>(c) Names and addresses of other parties to agreement</p> <p>(d) Name and address of person (if any) who acted as surety (guarantor) to the agreement</p> <p>(e) Place where agreement signed (e.g. the shop where agreement signed, including name and address)</p> <p>(f) Details of payment arrangements</p> <p>i. The agreement is to pay instalments of £ per week/month</p> <p>ii. The unpaid balance is £ / I do not know the amount of arrears</p> <p>iii. I am £ in arrears / I do not know the amount of arrears</p>
	<p style="text-align: right;">PAGE 11</p>

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Defender's financial position			
I am employed /self employed / unemployed			
My net income is:	weekly, fortnightly monthly	or	My outgoings are:
			weekly, fortnightly monthly
Wages	£		Mortgage/rent
State benefits	£		Council tax
Tax credits	£		Gas/electricity etc
Other	£		Food
			Credit and loans
			Phone
			Other
Total	£		Total
People who rely on your income (e.g. spouse/civil partner/partner/children) – how many			
Here list all assets (if any) e.g. value of house; amounts in bank or building society accounts; shares or other investments:			
Here list any outstanding debts:			
Therefore the defender asks the court to make a time order			
Date:		Signed:	
		Defender:	
			PAGE 12

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APPLICATION FOR SERVICE OF A THIRD PARTY NOTICE

NOTE:

You can apply to have another party added to the action if:

(A) You think that, as regards the matter which the action is about, that other party has a duty to:

1. Indemnify you; or
2. Make a contribution in respect of the matter; or
3. Relieve you from any responsibility as regards it.

or

(B) You think that other party is:

1. Solely liable to the pursuer; or
2. Liable to the pursuer along with you; or
3. Has a liability to you as a result of the pursuer's claim against you.

You may apply for warrant to found jurisdiction if you wish to do so.

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FORM OF APPLICATION

(TO BE RETURNED TO THE COURT ALONG WITH YOUR RESPONSE)

I request the court to grant warrant for service of a third party notice on the following party:

Name:

Address:

The reason I wish a third party notice to be served on the party mentioned above is as follows:
(Give details below of the reasons why you wish the party to be made a defender in the action.)

*I apply for warrant to found jurisdiction

***delete as appropriate**

Date: