
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 279

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) 2010**

Notices to admit

6. After rule 8.8 (evidence generally) of the Summary Cause Rules, insert—

“Notices to admit and notices of non-admission

8.8A.—(1) At any time after a form of response has been lodged, a party may intimate to any other party a notice or notices calling on him or her to admit for the purposes of that cause only—

- (a) such facts relating to an issue averred in the statement of claim or form of response as may be specified in the notice;
- (b) that a particular document lodged with the sheriff clerk and specified in the notice is—
 - (i) an original and properly authenticated document; or
 - (ii) a true copy of an original and properly authenticated document.

(2) Where a party on whom a notice is intimated under paragraph (1)—

- (a) does not admit a fact specified in the notice, or
- (b) does not admit, or seeks to challenge, the authenticity of a document specified in the notice,

he or she must, within 21 days after the date of intimation of the notice under paragraph (1), intimate a notice of non-admission to the party intimating the notice to him or her under paragraph (1) stating that he or she does not admit the fact or document specified.

(3) A party who fails to intimate a notice of non-admission under paragraph (2) will be deemed to have admitted the fact or document specified in the notice intimated to him or her under paragraph (1); and such fact or document may be used in evidence at a proof if otherwise admissible in evidence, unless the sheriff, on special cause shown, otherwise directs.

(4) The party serving a notice under paragraph (1) or (2) must lodge a copy of it with the sheriff clerk.

(5) A deemed admission under paragraph (3) must not be used—

- (a) against the party by whom it was deemed to be made other than in the cause for the purpose for which it was deemed to be made; or
- (b) in favour of any person other than the party by whom the notice was given under paragraph (1).

(6) The sheriff may, at any time, allow a party to amend or withdraw an admission made by him or her on such conditions, if any, as the sheriff thinks fit.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) A party may, at any time, withdraw in whole or in part a notice of non-admission by intimating a notice of withdrawal.”.