

SCHEDULE 1

Paragraph 2(4)(d)

Form 1e

OFFICIAL USE ONLY
SUMMONS No.

Rule 34.3(1)(a)

Summary Cause Summons - Personal Injuries Action

DEFENDER'S COPY: Claim for payment of money in a personal injuries action (where time to pay direction 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 or 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 the claim in the attached Form 10 (statement of claim in a personal injuries action).

Status: This is the original version (as it was originally made).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

7.	STATEMENT OF CLAIM (Pursuer to attach copy Form 10 (statement of claim in a personal injuries action))
	The details of the claim are as stated in the attached copy Form 10.
8.	SERVICE ON DEFENDER
	(Place) (Date)
	To: (Defender)
	You are hereby served with a copy of the above summons.
	Solicitor / sheriff officer <i>delete as appropriate</i>

NOTE: The pursuer should complete boxes 1 to 6 on page 1, attach a copy of the Form 10, (statement of claim) and complete section A on page 6 before service on the defender. The pursuer should also enclose a form of response in Form 10a. 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 when the court will deal with your case should you not respond to this summons, or the date of the court hearing should you admit the claim and the court is required to consider your application to pay the sum claimed by instalments or by deferred lump sum.

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 4 options listed below. Find the one that covers your decision and follow the instructions given there.

You may have a policy of insurance that could indemnify you against this claim. This could be motor, home contents, buildings, travel or some other form of liability insurance that may offer cover to meet legal costs to defend this claim or to meet any claim against you that is admitted or proved. If you believe you have any such insurance cover, you should **immediately** contact your insurer and take steps to forward to them details of this claim.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency. Alternatively, if you are not sure what you need to do, contact the sheriff clerk's office before the return day. Written guidance is available 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 their 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 their 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, 7 and 8 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 the pursuer 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, 7 and 8 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 of section B on page 6 of this form. Return page 6 to the court so that it arrives **on or before the return day**.

PAGE 3

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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 and Form 10 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 for any of the following reasons:

- Challenge the jurisdiction of the court or the competency of the action;
- Defend the action;
- Dispute the sum claimed; or
- State a counterclaim.

You must complete Box 3 of Section B on page 6 and the attached form of response in Form 10a, stating in a manner which gives the pursuer fair notice, the grounds of fact and law on which you intend to resist the claim, or counterclaim, and return these to the court so that they arrive **on or before the return day**. Thereafter, the case **will not** call in court on the calling date and you do not require to attend or be represented at court on that date. The sheriff clerk will send to you or your representative a timetable confirming the anticipated date for the hearing of evidence and the dates by which various procedural matters must be undertaken. Your representative may be a solicitor or someone else having your authority.

NOTE: If you fail to return page 6 and the completed Form 10a as directed, the case may call on the calling date, and 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 AND FORM 10, 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.

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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**

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

I do not intend to defend the case but admit liability for the claim.

I wish to make a written application about payment.

I have completed the application form on pages 7 and 8.

****Box 2**

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

I admit liability for the claim.

I intend to appear or be represented at court on the calling date

****Box 3**

DISPUTE THE CLAIM (or the amount due)

*I intend to challenge the jurisdiction of the court.
 *I intend to challenge the competency of the action.
 *I intend to defend the action/state a counterclaim.
 *I wish to dispute the amount due only.

*I apply for warrant to serve a third party notice (see page 10).
 *delete as necessary

I attach completed Form 10a stating my proposed defence/counterclaim.

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 their 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
Rent/mortgage	£
Council tax	£
Gas/electricity etc	£
Food	£
Loans and credit agreements	£
Phone	£
Other	£
Total	£

My net income is	*Weekly / fortnightly / monthly
Wages/pensions	£
State benefits	£
Tax credits	£
Other	£
Total	£

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

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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:

**Delete if inapplicable*

Date:

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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.

Form 1f

OFFICIAL USE ONLY

SUMMONS No.

Rule 34.3(1)(b)

Summary Cause Summons - Personal Injuries Action

DEFENDER'S COPY: Claim for payment of money in a personal injuries action (where time to pay direction 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 or
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 the claim in the attached Form 10 (statement of claim in a personal injuries action).

PAGE 1

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The details of the claim are as stated in the attached copy Form 10.	
8.	SERVICE ON DEFENDER
(Place)	(Date)
To:	(Defender)
You are hereby served with a copy of the above summons.	
Solicitor / sheriff officer <i>delete as appropriate</i>	

NOTE: The pursuer should complete boxes 1 to 6 on page 1, attach a copy of the Form 10, (statement of claim) and complete section A on page 6 before service on the defender. The pursuer should also enclose a form of response in Form 10a. 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 when the court will deal with your case should you not respond to this summons.

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 2 options listed on the next page. Find the one that covers your decision and follow the instructions given there.

You may have a policy of insurance that could indemnify you against this claim. This could be motor, buildings, travel or some other form of liability insurance that may offer cover to meet legal costs to defend this claim or to meet any claim against you that is admitted or proved. If you believe you have any such insurance cover, you should **immediately** contact your insurer and take steps to forward to them details of this claim.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency. Alternatively, if you are not sure what you need to do, contact the sheriff clerk's office before the return day. Written guidance is available from the Scottish Court Service website (www.scotcourts.gov.uk).

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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 their 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 their representative.

2. DISPUTE THE CLAIM for any of the following reasons:

- Challenge the jurisdiction of the court or the competency of the action;
- Defend the action;
- Dispute the sum claimed; or
- State a counterclaim.

You must complete Section B on page 5 and the attached form of response in Form 10a, stating in a manner which gives the pursuer fair notice, the grounds of fact and law on which you intend to resist the claim, or counterclaim, and return these to the court so that they arrive **on or before the return day**. Thereafter, the case **will not** call in court on the calling date and you do not require to attend or be represented at court on that date. The sheriff clerk will send to you or your representative a timetable confirming the anticipated date for the hearing of evidence and the dates by which various procedural matters must be undertaken. Your representative may be a solicitor or someone else having your authority.

NOTE: If you fail to return page 5 and the completed Form 10a as directed, the case may call on the calling date, and 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 AND FORM 10, AS THEY MAY BE USEFUL AT A LATER STAGE OF THE CASE.

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SECTION A

This section must be completed before service

SHERIFF COURT (Including address)

PURSUER'S FULL NAME AND ADDRESS

Summons No
Return Day
Calling Date

DEFENDER'S FULL NAME AND ADDRESS

SECTION B

DEFENDER'S RESPONSE TO THE SUMMONS

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

DISPUTE THE CLAIM (or the amount due)

- *I intend to challenge the jurisdiction of the court.
- *I intend to challenge the competency of the action.
- *I intend to defend the action/state a counterclaim.
- *I wish to dispute the amount due only.

*I apply for warrant to serve a third party notice (see page 6).

*delete as necessary

I attach completed Form 10a stating my proposed defence/counterclaim.

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 their solicitor.**

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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: