

SCHEDULE 3

Paragraph 3(1)

Standard Orders



The Simple Procedure Order of the Sheriff

Response Form received: ordering a case management discussion

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it** and **follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The responding party has indicated to the court that this claim will be disputed.

The sheriff has considered the Claim Form and the Response Form and has **given the following orders:-**

Settlement and negotiation

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute, **before** the hearing date. If the case is settled before the hearing date then the parties must contact the court immediately.

Case management discussion

The sheriff would like to discuss this case with **both parties** before ordering a formal court hearing. Both parties are therefore **ordered** to attend a case management discussion in the sheriff court.

The purpose of a case management discussion is to allow the sheriff to discuss the claim and response with both parties and to clarify any concerns which the sheriff has. At the case management discussion, the sheriff will also discuss with both parties their attitudes to negotiation and alternative dispute resolution.

Status: This is the original version (as it was originally made).

At the case management discussion, the sheriff will give both parties orders in person arranging a hearing at which the case will be considered and their dispute resolved. The sheriff may make a decision at a case management discussion.

Clarification

The claimant is ordered to write to the court and to the respondent at least **14 days** before the date of the case management conference to clarify these issues:

1. [list]

The responding party is ordered to write to the court and to the claimant at least **14 days** before the date of the case management conference to clarify these issues:

1. [list]

Documents and other evidence

The claimant is ordered to bring the following documents or other evidence to the case management discussion:

1. [list]

The respondent is ordered to bring the following documents or other evidence to the case management discussion:

1. [list]

Date

Both parties are ordered to attend a case management discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At the case management discussion, the sheriff expects both parties to be prepared to discuss the case and to have an open and constructive attitude to the possibility of negotiation or alternative dispute resolution.

Signed by:

Sheriff of [sherrifdom] at [sheriff court]



The Simple Procedure Order of the Sheriff

Response Form received: ordering a hearing

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The respondent has indicated to the court that this claim will be disputed.

The sheriff has considered the Claim Form and the Response Form and has **given the following orders**:-

Settlement and negotiation

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute, **before** the hearing date. If the case is settled before the hearing date then the parties must contact the court immediately.

Documents and other evidence

The sheriff has considered the evidence and other documents which the claimant thinks would support the claim.

The claimant is **ordered to also** lodge the following documents or other evidence at least 14 days before the hearing date, as the sheriff considers them necessary to support their claim:

1. [list]

The claimant is **ordered** not to lodge the following documents or other evidence, as the sheriff considers them unnecessary to support the claim:

1. [list]

Status: This is the original version (as it was originally made).

The sheriff has considered the evidence and other documents which the respondent thinks would support the response.

The respondent is ordered to also lodge the following documents or other evidence at least 14 days before the hearing date, as the sheriff considers them necessary to support their response:

1. [list]

The respondent is ordered not to lodge the following documents or other evidence, as the sheriff considers them unnecessary to support the response:

1. [list]

Both parties are ordered to bring two copies of every document that is lodged to the hearing.

Clarification

The claimant is ordered to write to the court and to the respondent at least 14 days before the hearing date to clarify these issues:

1. [list]

The respondent is ordered to write to the court and to the claimant at least 14 days before the hearing date to clarify these issues:

1. [list]

Hearing Date

Both parties are ordered to attend a hearing at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this hearing, the sheriff will expect both parties to be prepared to argue their case in full. Both parties should be aware that the sheriff may make a decision in their case even if they are not fully prepared to argue their case.

The case may be decided or dismissed in the absence of a party, if that party fails to attend the hearing.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]



The Simple Procedure Order of the Sheriff

Response Form received: considering making a decision without a hearing

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The respondent has indicated to the court that this claim will be disputed.

The sheriff has considered the Claim Form and the Response Form and has **given the following orders**:-

Settlement and negotiation

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute, **before** the hearing date. If the case is settled before the hearing date then the parties must contact the court immediately.

A decision without a hearing

The sheriff considers that the dispute between the parties is capable of being resolved without a hearing. This is because the dispute appears only to involve a question of law [or because the dispute appears capable of being resolved based only on consideration of the documents and other evidence listed in the Claim Form and Response Form]. If the dispute is resolved without a hearing then the sheriff will give parties an opportunity to write to the court setting out their arguments in the case in advance of making a decision.

Opportunity to object

Both parties are being given an opportunity to object to this dispute being resolved without a hearing.

Status: This is the original version (as it was originally made).

Both parties are ordered to write to the sheriff by [date] stating whether they are content for a decision to be made without a hearing. If parties are not content for a decision to be made without a hearing, they must set out the reasons why a hearing will be necessary to resolve this dispute.

Parties should be aware that failing to write to the sheriff may result in the sheriff deciding to resolve this dispute without a hearing.

Next steps

The sheriff will issue further written orders within 14 days of [date]. These written orders will state whether the sheriff has decided to resolve this dispute without a hearing.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]



The Simple Procedure Order of the Sheriff

Response Form received: making a decision without a hearing

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The sheriff sent the parties written orders stating that the sheriff was considering making a decision in this case without a hearing.

The sheriff has considered the responses received [or no responses were received] and has **given the following orders**:-

Settlement and negotiation

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute. If the case is settled before the date on which the sheriff intends to make a decision (below) then the parties must contact the court immediately.

A decision without a hearing

The sheriff has decided to make a decision in this case without a hearing.

The sheriff will make this decision on [date].

Clarification

The claimant is **ordered** to write to the court and to the respondent at least **14 days** before the hearing date to clarify these issues:

2. [list]

Status: This is the original version (as it was originally made).

The respondent is **ordered** to write to the court and to the claimant at least **14 days** before the hearing date to clarify these issues:

2. [list]

Notes of argument

Parties are **ordered** to send the court notes of argument at least 14 days before [date]. These notes should set out any legal points which they wish to make to the sheriff and should comment on any aspect of the evidence which they wish the sheriff to consider.

Documents and other evidence

Documents and other evidence may be lodged by sending copies to the sheriff clerk.

The claimant is **ordered** to lodge the following documents or other evidence at least 14 days before the hearing date, as the sheriff considers them necessary to support their claim:

2. [list]

The respondent is **ordered** to lodge the following documents or other evidence at least 14 days before the hearing date, as the sheriff considers them necessary to support their response:

2. [list]

Both parties should be aware that the sheriff may make a decision in this case on [date] even if they do not follow the orders above.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]



The Simple Procedure Order of the Sheriff

Transferring a case between courts

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The sheriff has considered this simple procedure case and has **given the following orders**:-

Transfer to a different sheriff court

[The sheriff considers that this claim ought to have been raised in a different sheriff court.]

The case is **ordered** to be transferred to *[name of sheriff court]*.

What happens next

You will be contacted by the sheriff clerk at *[name of sheriff court]* with the next orders in this case.

Signed by:

Sheriff of *[sheriffdom]* at *[sheriff court]*

Status: This is the original version (as it was originally made).



The Simple Procedure Order of the Sheriff

Unless order

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

Order

The sheriff orders [the claimant / the respondent] to take the following step[s] by [date]:

1. [list].

Possibility of dismissal

The sheriff considers that taking the steps listed above is necessary for the progress of this case. The claimant is **warned** that unless these steps are taken, this case will be **dismissed** without further warning.

If the step[s] listed above are not taken then the sheriff **dismisses** the claim against the responding party.

Signed by:	<input type="text"/>
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Sheriff of [sheriffdom] at [sheriff court]



The Simple Procedure Order of the Sheriff

Application to Pause

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The court has received an Application to Pause.

The sheriff has considered the Application and has **given the following orders**:-

[The order below can be used where the sheriff has decided to grant the application, without a discussion in court.]

Pausing Order

The sheriff **orders** the progress of this case to be paused.

This means that all upcoming hearings in this case have been cancelled. No procedural steps may be taken in this case until the case has been restarted. Either party can ask for this to happen by sending an Application to Restart Form to the court and to the other party.

Both parties should be aware that after six months, the sheriff clerk may write to you directing that a particular step should be taken. If this is not done, the claim may be dismissed.

[The order below can be used where the sheriff has decided to refuse the application, without a discussion in court.]

Refusing a Pausing Order

Status: This is the original version (as it was originally made).

The sheriff has not ordered the progress of this case to be paused.

This means that all upcoming hearings in this case are still to go ahead. Parties may continue to progress this case.

[The order below can be used where the sheriff has decided that a discussion in court is necessary to decide the application.]

Discussion in court

The sheriff wants to hear from both parties before deciding whether to pause the progress of this case.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether the progress of the case should be paused. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]



The Simple Procedure Order of the Sheriff

Application to Restart

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The court has received an Application to Restart.

The sheriff has considered the Application and has **given the following orders**:-

[The order below can be used where the sheriff has decided to grant the application, without a discussion in court.]

Restarting Order

The sheriff **orders** the progress of this case to be restarted.

Both parties are **ordered** to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

[The order below can be used where the sheriff has decided to refuse the application, without a discussion in court.]

Refusing a Restarting Order

The sheriff **has not** ordered the progress of this case to be restarted.

This means that the progress of the case continues to be paused. There are no upcoming hearings or discussions arranged in this case.

Status: This is the original version (as it was originally made).

[The order below can be used where the sheriff has decided that a discussion in court is necessary to decide the application.]

Discussion in court

The sheriff wants to hear from both parties before deciding whether to restart the progress of this case.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether the progress of the case should be restarted. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]



The Simple Procedure Order of the Sheriff

Paused case – unless order

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The sheriff clerk has presented this case to the sheriff because it has been paused for over 6 months.

The sheriff has considered the case and has **given the following orders**:-

Possibility of dismissal

This case has now been paused for over 6 months. Both parties are **warned** that the sheriff will dismiss this claim unless the following steps are taken:

[Both parties / the claimant / the respondent] must write to the sheriff to explain what they would like to happen to this case. If they would like the case to continue to be paused, they must explain why.

[or

The sheriff wants to hear from both parties before deciding what the next steps in this case should be.

Both parties are **ordered** to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building. At this discussion, the sheriff will expect both parties to be prepared to discuss the progress of the case.]

Status: *This is the original version (as it was originally made).*

Signed by:

Sheriff of [sheriffdom] at [sheriff court]



The Simple Procedure Order of the Sheriff

Order to recover documents

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The court has received a Recovery of Documents Application.

The sheriff has considered the Application and has **given the following orders:-**

Order to recover documents

[This order can be used where the sheriff has decided to grant the application (in whole or in part) without a discussion in court]

The sheriff **orders** the person mentioned in column 2 of the table below to send the document mentioned in column 1 to the court within [number of days] after this order is formally served.

<i>Description of document</i>	<i>Name of person who has the document</i>

The sheriff also **orders** that person to fill in part A of this order ('the reply') and return it to the court within [number of days] after this order is formally served.

Status: This is the original version (as it was originally made).

Refusal of Recovery of Documents Application

[This order can be used where the sheriff has decided to refuse the application without a discussion in court]

The sheriff refuses to make an order to recover documents.

Discussion in court

[This order can be used where the sheriff has decided that a discussion in court is necessary to decide the application]

The sheriff wants to hear from both parties before deciding whether to make an order to recover documents.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether an order to recover documents should be made. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

THE REPLY

[for use only where the sheriff makes an order to recover documents]

A. ABOUT YOU

A1. What is your full name?

Name
Middle name
Surname
Trading name or representative capacity (if any)

B. DECLARATIONS

B1. How have you complied with the order to recover documents?

① Tick the box next to the appropriate declaration.

Status: This is the original version (as it was originally made).

I enclose the following documents. [list documents enclosed with the reply]
They are all the documents in my possession which fall within the description above.

I have no documents in my possession which fall within the description above.

B2. Do you have any additional information about the order to recover documents?

① Tick the box next to the appropriate declaration.

I believe that there are other documents which fall within the description above but they are not in my possession. I have the following information about them: [set out the documents, the date on which you last saw them and the details of the person who you believe possesses them]

I have no additional information about documents which fall within the description above.

B3. Do you believe that any of the documents that you possess are confidential?

① If your answer is yes, you must still send the document to the court. You should:

- put it in an envelope and seal it
- mark "CONFIDENTIAL" on the front of the envelope

① If the party who obtained the order to recover documents wants to open the envelope, the party has to make an application to the court first. You will be told about any application and you can explain to the sheriff why you think the document is confidential before the sheriff decides whether to grant the application.

Yes

No

Status: This is the original version (as it was originally made).



The Simple Procedure Order of the Sheriff

Special order to recover documents

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:

Date of order:

Claimant:

Respondent:

Court ref no:

The court has received a Special Recovery of Documents Application.

The sheriff has considered the Application and has **given the following orders:-**

Special order to recover documents

[This order can be used where the sheriff has decided to grant the application (in whole or in part) without a discussion in court]

The sheriff **grants commission** to [name], solicitor, [address] ('the commissioner') to recover the documents mentioned in column 1 from the person mentioned in column 2.

<i>Description of document</i>	<i>Name of person who has the document</i>

The sheriff also **appoints** the commissioner to send a report to the court, together with any documents recovered, as soon as possible.

Status: This is the original version (as it was originally made).

Refusal of Special Recovery of Documents Application

[This order can be used where the sheriff has decided to refuse the application without a discussion in court]

The sheriff refuses to make a special order to recover documents.

Discussion in court

[This order can be used where the sheriff has decided that a discussion in court is necessary to decide the application]

The sheriff wants to hear from both parties before deciding whether to make a special order to recover documents.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether a special order to recover documents should be made. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

Status: This is the original version (as it was originally made).



The Simple Procedure Order of the Sheriff

Ordering an expenses hearing

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The sheriff has decided the case and is going to make an order about expenses. The sheriff has **given the following orders**:-

Account of expenses

The sheriff orders the [claimant / respondent] to send an account of expenses to the court and to the other party by [date 4 weeks before the expenses hearing].

Assessment of expenses

The sheriff orders the sheriff clerk to assess that account of expenses and send both parties a notice of that assessment by [date 2 weeks before the expenses hearing].

Expenses hearing

The sheriff orders both parties to attend an expenses hearing at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building. If either party does not intend to challenge the assessment of expenses made by the sheriff clerk, they should contact the sheriff clerk by [date before the expenses hearing].

A failure to attend the expenses hearing will be considered an acceptance of the expenses as assessed by the sheriff clerk.

Status: This is the original version (as it was originally made).

Signed by:

Sheriff of [sheriffdom] at [sheriff court]