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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 313**

**Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016**

**CHAPTER 5**

**INTIMATION AND LODGING**

**Interpretation of this Chapter**

**5.1.** In this Chapter—

“first class post” means a postal service which seeks to deliver documents or other things by post no later than the next working day in all or the majority of cases;

“intimating party” means any party who has to give intimation in accordance with rule 5.2;

“receiving party” means any party to whom intimation is to be given in accordance with rule 5.2;

“recorded delivery” means a postal service which provides for the delivery of the document or other thing by post to be recorded.

**Intimation**

**5.2.** Unless the sheriff orders otherwise, where—

(a) any provision in these Rules requires a party to—

(i) take any procedural step;

(ii) lodge any document;

(iii) intimate any other matter; or

(b) the sheriff orders a party to intimate something,

intimation is to be given to every other party.

**Methods of intimation**

**5.3.—**(1) Intimation may be given to a receiving party by any of the methods specified in rules 5.4 and 5.5.

(2) Where the receiving party is represented by a solicitor, intimation may also be given by any of the methods specified in rule 5.6.

**Methods of intimation: intimation by recorded delivery**

**5.4.** An intimating party may give intimation by recorded delivery to the receiving party.

**Methods of intimation: intimation by sheriff officer**

**5.5.—**(1) A sheriff officer may give intimation on behalf of an intimating party by—

- (a) delivering the intimation personally to the receiving party; or
- (b) leaving the intimation in the hands of—
  - (i) a resident at the receiving party’s dwelling place; or
  - (ii) an employee, agent or representative at the receiving party’s place of business.
- (2) Where a sheriff officer has been unsuccessful in intimation in accordance with paragraph (1), the sheriff officer may give intimation by—
  - (a) depositing it in the receiving party’s dwelling place or place of business; or
  - (b) leaving it at the receiving party’s dwelling place or place of business in such a way that it is likely to come to the attention of that party.

**Additional methods of intimation where receiving party represented by solicitor**

- 5.6.**—(1) An intimating party may give intimation to the solicitor for the receiving party by—
- (a) delivering it personally to the solicitor;
  - (b) delivering it to a document exchange of which the solicitor is a member;
  - (c) first class post;
  - (d) fax.
- (2) Where intimation is given by the method in paragraph (1)(a) or (d) not later than 1700 hours on any day, the date of intimation is that day.
- (3) Where intimation is given by the method in—
- (a) paragraph (1)(b) or (c); or
  - (b) paragraph (1)(a) or (d) after 1700 hours on any day,
- the date of intimation is the next day.

**Form of certificate of intimation**

**5.7.** A certificate of intimation is to be in Form 5.7.

**Lodging**

- 5.8.**—(1) Where any provision in these Rules requires a party to lodge a document, it is to be lodged with the sheriff clerk.
- (2) A document may be lodged by—
- (a) delivering it personally to the sheriff clerk’s office;
  - (b) delivering it to a document exchange of which the sheriff clerk is a member;
  - (c) first class post;
  - (d) fax.