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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 315**

**Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 4) (Simple Procedure) 2016**

**Amendment of the Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002**

**5.—(1)** The Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002(1) are amended in accordance with this paragraph.

(2) In rule 1(2) (interpretation) at the end, insert—

““simple procedure case” has the meaning given by section 72(9) of the Courts Reform (Scotland) Act 2014.”

(3) After rule 6A (vulnerable witnesses), insert—

**“Simple procedure**

**6AA.—(1)** This rule applies to any application under these rules relating to or following from a simple procedure case.

(2) Any form may be adapted where required to fit the terminology or procedure in a simple procedure case.

(3) Where these rules require an application to be made by minute, that application must be made by Form 35 (debt arrangement and attachment application), and references to a minute include references to that form.

(4) References to a certified copy of an interlocutor mean a certified copy of an order of the sheriff.”.

(4) In appendix 1 (forms) at the end, insert the form set out in schedule 1 of this Act of Sederunt.

(5) In appendix 2 (glossary)—

(a) omit the term “hearing date”;

(b) in the term “incidental application”, omit “a small claim or”;

(c) in the term “motion”, omit “small claim or”;

(d) in the term “remit between procedures”, omit “either the small claim or”;

(e) in the term “return day”, omit “small claim or”;

(f) after the term “sheriff officer”, insert—

*“Simple procedure*

*Simple procedure is a court process designed to provide a speedy, inexpensive and informal way to resolve disputes.”;*

(g) omit the term “small claim”;

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(1) The Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002 are in Schedule 1 to the Act of Sederunt (Debt Arrangement and Attachment (Scotland) Act 2002) 2002 ([S.S.I. 2002/560](#)), last amended by [S.S.I. 2015/419](#).

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**Status:** This is the original version (as it was originally made).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

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- (h) in the term “summary cause”, for “usually having a higher value than a small claim and” substitute “(other than simple procedure cases), with”;
- (i) in the term “summons”, omit “small claim or”;
- (j) in the term “writ”, omit “a small claim or”.