

SCHEDULE 1

Rule 1.2(1)

APPLICATIONS

Interpretation

1. In this schedule—

“lodging participant” means the person lodging the application;

“receiving participant” means a participant receiving the intimation of the application from the lodging participant.

Making of applications

2. An application may be made—

(a) orally; or

(b) in writing, in accordance with paragraph 3.

Written applications

3.—(1) An application in writing is made by lodging it.

(2) An application in writing must set out the grounds on which it is made.

Intimation of applications in writing

4.—(1) The lodging participant must give intimation of an intention to lodge the application, and of the terms of the application, to every other participant in Form S1.4.

(2) That intimation must be accompanied by a copy of any document referred to in the application.

Opposition to applications in writing

5.—(1) A receiving participant may oppose an application by lodging a notice of opposition in Form S1.5.

(2) Any notice of opposition must be lodged within 7 days after the date of intimation of the application.

(3) The sheriff may, on the request of a participant—

(a) vary the period of 7 days mentioned in subparagraph (2); or

(b) dispense with intimation on any participant.

(4) A request mentioned in subparagraph (3) must—

(a) be included in the application; and

(b) give reasons for varying the period or dispensing with intimation, as the case may be.

(5) The sheriff may allow a notice of opposition to be lodged late, on cause shown.

Consent to applications in writing

6. A receiving participant may consent to an application by lodging a notice to that effect.

Status: This is the original version (as it was originally made).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

Lodging of applications in writing

7.—(1) The application must be lodged by the lodging participant within 5 days after the date of intimation of the application, unless subparagraph (3) applies.

(2) The lodging participant must also lodge—

(a) a certificate of intimation in Form S1.7; and

(b) so far as practicable, any document referred to in the application that has not already been lodged.

(3) Where the sheriff varies the period for lodging a notice of opposition to a period of 5 days or less, the application must be lodged no later than the day on which that period expires.

Joint applications in writing

8.—(1) A joint application by all participants need not be intimated.

(2) A joint application may be lodged by any of the participants.

Hearing of opposed applications in writing

9.—(1) Where a notice of opposition is lodged, the application is to be heard by the sheriff on the first suitable court day after lodging.

(2) The sheriff clerk must intimate the date and time of the hearing to the participants.