

SCHEDULE 2

INTIMATION

PART 1

Intimation within Scotland

Interpretation

1. In this schedule—

“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 participant” means any participant who has to give intimation in accordance with paragraph 2;

“receiving participant” means any participant to whom intimation is to be given; and

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

Intimation

2.—(1) Unless the sheriff orders otherwise, intimation is to be given to every other participant where any provision in these Rules requires a participant to—

- (a) intimate something; or
- (b) lodge something.

(2) The sheriff clerk must intimate an order of the sheriff to every participant when the sheriff makes an order other than at a hearing where all participants are present or represented.

Methods of intimation

3.—(1) Intimation may be given to a receiving participant by any of the methods specified in paragraphs 4 and 5.

(2) Where the receiving participant is represented by a solicitor, intimation may also be given by any of the methods specified in paragraph 6.

(3) Where the receiving participant is furth of Scotland, intimation must be given in accordance with Part 2 of this schedule.

Methods of intimation: intimation by recorded delivery

4. An intimating participant may give intimation by recorded delivery to the receiving participant.

Methods of intimation: intimation by sheriff officer

5.—(1) A sheriff officer may give intimation on behalf of an intimating participant by—

- (a) delivering the intimation personally to the receiving participant; or
- (b) leaving the intimation in the hands of—
 - (i) a resident at the receiving participant’s dwelling place; or
 - (ii) an employee, agent or representative at the receiving participant’s place of business.

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(2) Where a sheriff officer has been unsuccessful in intimation in accordance with subparagraph (1), the sheriff officer may give intimation by—

- (a) depositing it in the receiving participant’s dwelling place or place of business; or
- (b) leaving it at the receiving participant’s dwelling place or place of business in such a way that it is likely to come to the attention of that participant.

Additional methods of intimation where receiving participant represented by solicitor

6.—(1) An intimating participant may give intimation to the solicitor for the receiving participant 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; or
- (e) email.

(2) Where intimation is given by the method in subparagraph (1)(a), (d) or (e) 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) subparagraph (1)(b) or (c); or
- (b) subparagraph (1)(a), (d) or (e) after 1700 hours on any day,

the date of intimation is the next day.

Form of certificate of intimation

7. A certificate of intimation is to be in S2.7.