

1978 No. 1805 (S. 160)**SHERIFF COURT, SCOTLAND**
Act of Sederunt (Summary Cause Rules, Sheriff Court)
(Amendment No. 2) 1978

Made - - - - - *7th December 1978*
Coming into Operation *15th January 1979*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971(a) and of all other powers competent to them in that behalf do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act may be cited as the Act of Sederunt (Summary Cause Rules, Sheriff Court) (Amendment No. 2) 1978 and shall come into operation on 15th January 1979.

(2) This Act of Sederunt shall be construed as one with the Act of Sederunt (Summary Cause Rules, Sheriff Court) 1976(b) as amended (c).

(3) The Interpretation Act 1889(d) shall apply to this Act of Sederunt as it applies to an Act of Parliament.

Amendment of Schedule

2. The Schedule to the Act of Sederunt (Summary Cause Rules, Sheriff Court) 1976 shall be amended in accordance with the following paragraphs 3 to 8.

Amendment of Rule 12 (Re-service)

3. In rule 12(1), after the words “the court may” insert the words “prior to or at the first calling and”.

New Rule 50A (Service Document)

4. After rule 50, insert the following new rule—
 “Service Document

50A. In any action for payment of money to which rules 51 to 55 apply, in place of a summons or a service copy summons a service document in form Aa together with a form Q shall be served on the defender. Any reference in Part I of these rules and in the forms annexed to these rules to a summons or a copy summons being served shall, in relation to such action, be construed as a reference to service of a service document together with a form Q.”

(a) 1971 c. 58.
 (c) S.I. 1978/112.

(b) S.I. 1976/476.
 (d) 1889 c. 63.

Amendment of Rule 51 (Notice of Intention to appear)

5. In rule 51, for the words "in the summons" substitute the words "in form Q".

Amendment of Rule 52 (Notice of Offer to Pay by Instalment)

6. In rule 52, for the words "in form R" substitute the words "in form Q".

Amendment of Rule 55 (No Notice by Defender)

7. For rule 55, substitute the following rule—

"55.—(1) Where neither a notice of intention to appear nor a notice of an offer to pay by instalments has been lodged in accordance with rules 51 and 52, the cause shall not be called in court and, if before noon on the day prior to the date specified in the summons for the first calling the pursuer, his solicitor, or his solicitor's authorised clerk for whom the solicitor shall be responsible, enters a minute in the Book of Summary Causes or lodges a minute in form V, decree or other order in terms of that minute may be granted on the date so specified. A minute requesting an order for a continuation shall specify the reason why the continuation is necessary.

(2) If the pursuer does not enter a minute in the Book of Summary Causes or lodge a minute in form V in accordance with paragraph (1) the court shall dismiss the cause.

(3) Where a continuation is granted in accordance with paragraph (1) the cause shall call in court on the continued date.

(4) A decree granted in terms of paragraph (1) shall be subject to recall in accordance with the provisions of rule 19."

Amendment of Forms

8. In the Forms at the end of the Schedule—

(a) for Form A substitute forms A and Aa as set out in the Schedule to this Act of Sederunt;

(b) for forms Q and R substitute form Q as so set out;

(c) after form U14 insert form V as so set out.

Transitional

9. Nothing in this Act of Sederunt shall affect any action or proceedings commenced before the date of the coming into operation of this Act of Sederunt, and any such action or proceedings shall proceed according to the law and practice in force immediately before that date.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

G. C. Emslie,
IPD

Edinburgh.
7th December 1978.

SCHEDULE

FORM A

Sheriff Court

Address

SUMMONS FOR PAYMENT

[Empty box for Pursuer name]

Pursuer

claims from

[Empty box for Defender name]

Defender

the sum of

£ with interest at % annually from the date of citation and for expenses.

Return Day 197 .
Calling Date 197 at
a.m.

The pursuer is authorised to serve a service document on the Defender not less than 14 days before the Return Day shown in the box opposite.

The summons is warrant for arrestment on the dependence (and for arrestment to found jurisdiction).

Name and full address of pursuer's solicitor to be inserted in this box

[Empty box for solicitor name and address]

STATE CLAIM HERE OR ATTACH STATEMENT OF CLAIM

- 1. The Defender has refused or delayed to pay the sum claimed.
- 2. The claim is in respect of

FORM Aa

Sheriff Court

Address

SERVICE DOCUMENT (actions for payment of money only)

[Empty box for Pursuer name]

Pursuer

claims from you

[Empty box for Defender name]

Defender

the sum of

£ with interest at % annually from the date of citation and for expenses

IF YOU DO NOTHING IN ANSWER TO THIS DOCUMENT the court may regard you as admitting the claim made against you and may in your absence make an order that you pay the sum claimed.

IF YOU WISH TO ANSWER THIS DOCUMENT please consider the statement of claim and then FOLLOW THE INSTRUCTIONS in Form Q.

Return Day 197 . Calling Date 197 . at a.m.

The pursuer has been authorised by the court to serve this document on you.

The summons is warrant for arrestment on the dependence (and for arrestment to found jurisdiction).

Name and full address of pursuer's solicitor to be inserted in this box

[Empty box for solicitor name and address]

STATE CLAIM HERE OR ATTACH STATEMENT OF CLAIM

- 1. The Defender has refused or delayed to pay the sum claimed. 2. The claim is in respect of

FORM Q

Pursuer must complete before Sheriff Court **
 citation where indicated by** Case No. **
 Pursuer against.....Defender**

INSTRUCTIONS for DEFENDER

IMPORTANT

IN ORDER TO REPLY TO THE SERVICE DOCUMENT you must complete box a, b, or c and detach this page and return it to the Sheriff Clerk of the above Court BEFORE THE RETURN DAY which is

19	**
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- (1) IF YOU ADMIT THE CLAIM you must decide
 (a) whether you want to attend or be represented in Court *or*
 (b) whether to make a written offer to pay by instalments.

a. I intend to attend or be represented in Court (Signed).....	<i>or</i>
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b. I do not intend to attend Court but admit the claim and offer to pay the sum due in instalments of £ per week. My financial position is as follows— (Signed)..... Payments to account must be made direct to the pursuer or his solicitor. <i>Payments must not be sent to the Court.</i> <i>Note</i> If the pursuer does not accept the offer the summons will call in Court without further notice to you, when an order for payment may be made in such manner as the Court decides.
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- (2) IF YOU DENY THE CLAIM OR ANY PART OF IT
 complete the next box

c. I intend to attend Court to state my defence to the action (Signed).....
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VERY IMPORTANT NOTICE IF YOU ARE INTENDING TO ATTEND COURT
If you have completed either box a. or c. above you must return this form to the Court before the RETURN DAY shown above otherwise your case will not call in court. If you have said that you intend to attend Court and have duly returned the form by the return day you must attend Court on the calling date

19 at	a.m.	**
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The address of the Court is **
.....

IF YOU WISH FURTHER ADVICE you should consult a solicitor or call at any Citizens Advice Bureau.

FORM V

SHERIFF COURT

MINUTE SHEET

SUMMARY CAUSE PAYMENT SUMMONS

for the Court of197.....

197 . The pursuer craves
the Court to grant decree or other Order in terms of the following Minute(s).

Pursuer/Solicitor

Case No.	Name of Defender(s)	Minute
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EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt amends Rule 12 (Re-service) and Rule 55 (No Notice by Defender) in the Schedule to the Act of Sederunt (Summary Cause Rules, Sheriff Court) 1976.

It also provides new Forms A, Aa and Q for use in actions for payment of money, and a new Form V for a minute under Rule 55. There is a consequential new Rule 50A and consequential amendment of Rules 51 and 52.

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