

SCHEDULE 1

SMALL CLAIM RULES 2002

CHAPTER 17

Recovery of documents and attendance of witnesses

Confidentiality of documents

17.3.—(1) In any claim where a party has obtained a commission and diligence to recover documents and the documents have been produced either—

- (a) before the execution of the commission and diligence; or
- (b) following execution of the commission and diligence,

confidentiality may be claimed for any document produced.

(2) Where confidentiality is claimed under paragraph (1), the documents in respect of which confidentiality is claimed shall be enclosed in a separate, sealed packet.

(3) A sealed packet referred to in paragraph (2) shall not be opened except by authority of the sheriff obtained on the application of the party who sought the commission and diligence.

(4) Before the sheriff grants an application made in accordance with paragraph (3), he shall offer to hear the party or parties from whose possession the documents specified in the commission and diligence were obtained.