
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 294

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) 2009**

Time to pay directions and time orders

3.—(1) The Summary Application Rules are amended in accordance with the following subparagraphs.

(2) In rule 2.4 (the initial writ)(1), after paragraph (4) insert—

“(4A) In an action which relates to a regulated agreement within the meaning given by section 189(1) of the Consumer Credit Act 1974—

(a) the initial writ shall include an averment that such an agreement exists and details of the agreement; and

(b) a copy of the regulated agreement shall be lodged with the initial writ.”.

(3) In rule 2.22 (applications for time to pay directions or time orders)—

(a) in paragraph (2)(b) for “seven” substitute “14”;

(b) for paragraph (3) substitute—

“(3) On lodging an application under paragraph (2)(b), the defender shall send a copy of it to the pursuer by first class ordinary post.

(4) Where the pursuer objects to the application of the defender lodged under paragraph (2)(b) he shall—

(a) complete and lodge with the sheriff clerk Form 5A prior to the date fixed for the hearing of the summary application; and

(b) send a copy of that form to the defender.

(5) The sheriff clerk shall then fix a hearing in relation to the application under paragraph (2)(b) and intimate the hearing to the pursuer and the defender.

(6) The sheriff may determine an application under paragraph (2)(c) without the defender having to appear.”.

(4) In Form 4 in the Schedule (form of warrant of citation etc.), in paragraph (b), for “seven” substitute “fourteen”.

(5) For Form 5 in the Schedule (form of notice etc.), substitute the forms set out in Schedule 2 to this Act of Sederunt.