

SCHEDULE 1

Paragraph 7(b)

Form 38.5

Rule 38.5(1)

Form of reclaiming motion to be written on Form 23.2

On behalf of the pursuer [*or as the case may be*], for review by the Inner House of the interlocutor of (*date*) of the Lord Ordinary.

Status: This is the original version (as it was originally made).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

Form 38.12

Rule 38.12(1)

Form of note of objection to competency of reclaiming

(Cause Reference number)

IN THE COURT OF SESSION

NOTE OF OBJECTION TO COMPETENCY OF RECLAIMING

[A.B.]

Pursuer [*or* Petitioner]

against

[C.D.]

Defender [*or* Respondent]

To the Deputy Principal Clerk of Session

(Name of claimer), pursuer [*or* petitioner *or* defender *or* respondent] and claimer, has marked a reclaiming motion in the above cause. *(Name of objecting party)*, [*where applicable*: pursuer *or* petitioner *or* defender and] respondent, objects to the competency of the reclaiming motion on the following grounds:

(set out the grounds in brief numbered paragraphs)

Date *(insert date)*

(Signed)

Solicitor for Pursuer/Petitioner/Defender/Respondent

(Address)

Form 38.13

Rule 38.13(1)(a)

Form of timetable in reclaiming motion

(Cause Reference number)

IN THE COURT OF SESSION

TIMETABLE IN RECLAIMING MOTION

[A.B.]

Pursuer [*or* Petitioner]

against

[C.D.]

Defender [*or* Respondent]

This timetable has effect as if it were an interlocutor of the court signed by the procedural judge. [*Where applicable:* This is a revised timetable issued under rule 38.14(4)(c) [*or* rule 38.14(5)(b)] which replaces the timetable issued on (*date*).]

1. The diet for a procedural hearing in relation to this reclaiming motion, which will follow on from the procedural steps listed in paragraphs 2 to 7 below, will take place on (*date and time*).
2. The claimer shall lodge grounds of appeal in the reclaiming motion, under rule 38.18(1) and (2), not later than (*date*).
3. Any answers to grounds of appeal lodged under rule 38.18(1) and (2) shall be lodged by a party other than the claimer not later than (*date*).
4. Subject to the terms of any order made by a procedural judge under rule 38.19(2), any appendices to the reclaiming print shall be lodged not later than (*date*).
5. Any written intimation by the claimer under rule 38.19(1) that he does not intend to lodge any appendices to the reclaiming print shall be provided by (*date*).
6. Not later than (*date*) parties shall lodge notes of argument in the reclaiming motion.
7. Not later than (*date*) parties shall lodge estimates of the length of any hearing required to dispose of the reclaiming motion.

(*Date*)

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Form 39.3

Rule 39.3(1)

Form of note of objection to competency of application for a new trial

(Cause Reference number)

IN THE COURT OF SESSION

NOTE OF OBJECTION TO COMPETENCY OF APPLICATION

[A.B.]

Applicant

against

[C.D.]

Respondent

To the Deputy Principal Clerk of Session

(Name of applicant), applicant has made an application for a new trial under section 29(1) of the Court of Session Act 1988 in the above cause. *(Name of objecting party)*, respondent, objects to the competency of the application on the following grounds:

(set out the grounds in brief numbered paragraphs)

Date *(insert date)*

(Signed)

Solicitor for Respondent

(Address)

Form 39.4

Rule 39.4(1)

Form of timetable in application for a new trial

(Cause Reference number)

IN THE COURT OF SESSION

TIMETABLE IN APPLICATION FOR A NEW TRIAL

[A.B.]

Applicant

against

[C.D.]

Respondent

This timetable has effect as if it were an interlocutor of the court signed by the procedural judge. [Where applicable: This is a revised timetable issued under rule 39.5(4)(c) [or rule 39.5(5)(b)] which replaces the timetable issued on (date).]

1. The date for a procedural hearing in relation to this application, which will follow on from the procedural steps listed in paragraphs 2 to 5 below, will take place on (date and time).
2. Subject to the terms of any order made by a procedural judge under rule 38.19(2), any appendices to the documents mentioned in rule 39.1(4) shall be lodged not later than (date).
3. Any written intimation by the applicant that he does not intend to lodge any appendices to the documents mentioned in rule 39.1(4) shall be provided by (date).
4. Not later than (date) parties shall lodge notes of argument in the application.
5. Not later than (date) parties shall lodge estimates of the length of any hearing required to dispose of the application.

(Date)

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SCHEDULE 2

Paragraph 7(c)

Form 40.10

Rule 40.10(1)

Form of note of objection to competency of appeal from inferior court

(Cause Reference number)

IN THE COURT OF SESSION

NOTE OF OBJECTION TO COMPETENCY OF APPEAL

[A.B.]

Appellant

against

[C.D.]

Respondent

To the Deputy Principal Clerk of Session

(Name of appellant), appellant has marked an appeal from an inferior court in the above cause. *(Name of objecting party)*, respondent, objects to the competency of the appeal on the following grounds:

(set out the grounds in brief numbered paragraphs)

Date *(insert date)*

(Signed)

Solicitor for Respondent

(Address)

Form 40.11

Rule 40.11(1)(a)

Form of timetable in appeal from inferior court

(Cause Reference number)

IN THE COURT OF SESSION

TIMETABLE IN APPEAL

[A.B.]

Appellant

against

[C.D.]

Respondent

This timetable has effect as if it were an interlocutor of the court signed by the procedural judge. [*Where applicable:* This is a revised timetable issued under rule 40.12(4)(c) [*or* rule 40.12(5)(b)] which replaces the timetable issued on (*date*).]

1. The diet for a procedural hearing in relation to this appeal, which will follow on from the procedural steps listed in paragraphs 2 to 10 below, will take place on (*date and time*).
2. The appellant shall lodge a process under rule 40.7(2)(a) not later than (*date*).
3. The appellant shall send copies of the appeal print under rule 40.7(2)(b) not later than (*date*).
4. Any motion by the appellant to sist the process of the appeal under rule 40.8(1) shall be lodged not later than (*date*).
5. Grounds of appeal under rule 40.18(1) shall be lodged not later than (*date*).
6. Any answers to grounds of appeal lodged under rule 40.18(1) shall be lodged not later than (*date*).
7. Subject to the terms of any order made by a procedural judge under rule 40.19(2), any appendices to the appeal print shall be lodged not later than (*date*).
8. Any written intimation by the appellant under rule 40.19(1) that he does not intend to lodge any appendices to the appeal print shall be provided by (*date*).
9. Not later than (*date*) parties shall lodge notes of argument in the appeal.
10. Not later than (*date*) parties shall lodge estimates of the length of any hearing on the Summar Roll or in the Single Bills which is required to dispose of the appeal.

(*Date*)

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Form 40.15

Rule 40.15(5)(a)

Form of certification by Deputy Principal Clerk on retransmitting abandoned appeal

(Date) Retransmitted in respect of the abandonment of the appeal.

(Signed)

Deputy Principal Clerk of Session