

SCHEDULE 1

Paragraph 6(4)(a)

Form 43.1A

Rule 43.1A(2)

Form of draft interlocutor granting authority to raise action based on clinical negligence as an ordinary action

[To be inserted on the first page of the summons]

Authority

The Lord Ordinary, having considered the application of the pursuer [and having heard counsel thereon], and being satisfied, considering the likely complexity of the action, that the efficient determination of the action would be served by doing so, grants authority for the cause to proceed as an ordinary action.

(Signed)

Lord/Lady

Date: *(date)*

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SCHEDULE 2

Paragraph 8(16)

Form G1

Rule 3.1(1)

Form of initial writ

INITIAL WRIT

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court; where rule 36.C1(3) applies, state, if appropriate, that the action is for determination in the all-Scotland sheriff court at Edinburgh)*

[A.B.] *(design and state any special capacity in which the pursuer is suing)*

Pursuer

Against

[C.D.] *(design and state any special capacity in which the defender is being sued).*

Defender

The Pursuer craves the court *(here state the specific decree, warrant or order sought).*

CONDESCENDENCE

(State in numbered paragraphs the facts which form the ground of action)

PLEAS-IN-LAW

(State in numbered sentences)

(Signed)

[A.B.], Pursuer

or [X.Y.], Solicitor for the pursuer *(state designation and business address)*

Form G6A

Rule 15A.4(1)

Form of motion by email

SHERIFFDOM OF LoTHIAN AND BORDERS

**AT EDINBURGH
IN THE ALL-SCOTLAND SHERIFF COURT**

Unopposed [*or* Opposed] motion

To: (email address of the court)

1 Case name:

2 Court ref number:

3 Is the case in court in the next 7 days?

4 Solicitors or party lodging motion:

(a) Reference:

(b) Telephone number:

(c) Email address:

5 Lodging motion on behalf of:

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6 Motion (in brief terms):

7 Submissions in support of motion (if required):

8 Date of lodging of motion:

9 Intimation made to:

(a) Provided email address(es):

(b) Additional email address(es) of fee-earner or other person(s) dealing with the case on behalf of a receiving party (if applicable):

10 Date intimations sent:

11 Opposition must be intimated to opponent not later than 5 p.m. on:

12 Is motion opposed or unopposed?

13 Has consent to the motion been provided?

14 Document(s) intimated and lodged with motion:

EXPLANATORY NOTE TO BE ADDED WHERE RECEIVING PARTY IS NOT LEGALLY REPRESENTED

OPPOSITION TO THE MOTION MAY BE MADE by completing Form G9A (Form of opposition to motion by email) and intimating it to the party intending to lodge the motion (insert email address) on or before the last date for intimating opposition (see paragraph 11 above).

IN THE EVENT OF A FORM OF OPPOSITION BEING INTIMATED, the party intending to lodge the motion will lodge an opposed motion and the sheriff clerk will assign a date, time and place for hearing parties on the motion. Intimation of this hearing will be sent to parties by the sheriff clerk.

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IF NO NOTICE OF OPPOSITION IS LODGED, OR IF CONSENT TO THE MOTION IS INTIMATED TO THE PARTY INTENDING TO LODGE THE MOTION, the motion will be considered without the attendance of parties.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency.

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Form G9A

Rule 15A.5(1)

Form of opposition to motion by email

SHERIFFDOM OF LoTHIAN AND BORDERS

**AT EDINBURGH
IN THE ALL-SCOTLAND SHERIFF COURT**

TO BE INTIMATED TO THE PARTY INTENDING TO LODGE THE MOTION

- 1 Case name:

- 2 Court ref number:

- 3 Date of intimation of motion:

- 4 Date of intimation of opposition to motion:

- 5 Solicitors or party opposing motion:
 - (a) Reference:

 - (b) Telephone number:

 - (c) Email address:

- 6 Opposing motion on behalf of:

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7 Grounds of opposition:

8 Estimated duration of hearing:

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Form G13A

Rule 36B.3

Form of citation of juror

SHERIFFDOM OF LoTHIAN AND BORDERS

AT EDINBURGH

IN THE ALL-SCOTLAND SHERIFF COURT

JUROR'S CITATION

Citation Number:

Date:

To:

Time:

Place:

Name of case:

You are cited to attend personally on the date and at the time and place stated above, and on such succeeding days as may be necessary to serve, if required, as a juror. If you fail to attend, you will be liable to the penalty prescribed by law.

Sheriff Clerk Depute

Please read the enclosed leaflets carefully BEFORE attending court for selection.

Expenses: Claims for loss of earnings and/or expenses should be made at the end of your jury service. You will be provided with an envelope for return of the completed form, and payment will be made by cheque to your home address, seven to ten days from receipt of the claim.

YOU MUST BRING THIS CITATION WITH YOU TO COURT

If you wish to apply for exemption or excusal from jury service, please complete this form and return it as soon as possible to: Sheriff Clerk, Edinburgh Sheriff Court, 27 Chambers Street, Edinburgh EH1 1LB.

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DECLARATION: Please state why you are applying for exemption or excusal from jury service:

- Age:** I am years of age. My date of birth is
- Occupation:** I am employed as and therefore statutorily exempt from service.
- Medical Condition:** I am medically unfit for jury service and enclose a medical certificate from my doctor.
- Special Reason:**

N.B. Should you be **excused** from jury service on this occasion, a further juror's citation may be sent out to you within twelve months.

I declare that the foregoing information is correct and acknowledge that I may be asked for proof of any statement made above.

Signature Date

If you have any queries telephone 0131 225 2525. Please quote citation number and date of attendance.

Unfortunately there are no facilities for car parking at or near the court.

CLAIMING FOR TRAVELLING/FINANCIAL LOSS

If you wish to claim for travelling/financial loss, you must read the guidance sheet enclosed and complete this form carefully and accurately. If you are claiming loss of earnings/benefit or childminding/adult dependant carer allowance you must get your employer/the carer to complete the certificate that is enclosed and return it with this claim form. If it is not enclosed then payment cannot be made. Please note: the allowances are meant to compensate you for your out-of-pocket expenses and loss of earnings or benefit. They are not meant to compensate your partner or spouse. There is a maximum amount which can be claimed. The rate is fixed by Scottish Ministers, and is reviewed every year.

There is no scope for any juror to be paid more than these maximum amounts. Receipts or tickets must be attached, otherwise we will be unable to pay your claim.

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	OFFICIAL USE ONLY		
	*(delete as applicable)		
	<i>Allowed</i>	<i>No. of days</i>	<i>Total</i>
<u>TRAVELLING</u>	£ _____ p		£ _____ p
By public transport			
(a) Say whether rail, bus &c			
.....			
.....			
(b) Daily return fare £			
.....			
.....			
.....			
In own car, &c			
(a) Car, m/cycle &c			
Engine capacity			
..... c.c.			
(b) Daily mileage (round trip)			
.....			
.....			
(c) Could you have travelled by public transport?			
*YES/NO			
If YES, indicate how much time was saved by using your own vehicle.			

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<p><u>SUBSISTENCE</u></p> <p>On the days on which the court has <u>NOT</u> provided meals for you, have you necessarily incurred expenses on subsistence?</p> <p style="text-align: center;">*YES/NO</p> <p>If YES, give number of hours, including travelling time you were away from your home or place of business. (If you attended Court on more than one day, show the number of hours for each day)</p> <p>.....</p> <p><u>LOSS OF EARNINGS (only refundable if certified above)</u></p> <p>Will you suffer any loss of earnings as a result of your attendance for jury service?</p> <p>*YES/NO</p> <p>If YES, please state</p> <p style="padding-left: 40px;">(a) your occupation</p> <p style="padding-left: 80px;">.....</p>			
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<p>(b) daily or hourly rate (or equivalent) £</p> <p>(c) number of days and half-days lost</p> <p>Have you paid any person to act as a substitute for you during your attendance for jury service (e.g. at your place of employment, or to look after your children or a dependent adult &c)?</p> <p style="padding-left: 40px;">*YES/NO</p> <p>If YES, please state</p> <p>(a) capacity in which paid substitute employed</p> <p>(b) his/her daily or hourly rate £</p> <p>(c) number of days and half-days paid substitute employed</p>			
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I DECLARE that to the best of my knowledge and belief the particulars in the foregoing claim are correct			
TOTALS			
..... Signature of Claimant			

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Form P11

Rules 3.1(1) and 36.B1(1)

Form of initial writ in a personal injuries action

INITIAL WRIT

(Personal Injuries Action)

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court; if appropriate, state that the action is for determination in the all-Scotland sheriff court at Edinburgh)*

[A.B.] *(design and state any special capacity in which pursuer is suing)*, Pursuer

against

[C.D.] *(design and state any special capacity in which defender is being sued)*, Defender

The pursuer craves the court to grant decree—

- (a) for payment by the defender to the pursuer of the sum of *(amount of sum in words and figures)*;
- (b) *(enter only if a claim for provisional damages is sought in terms of rule 36.12)* for payment by the defender to the pursuer of *(enter amount in words and figures)* of provisional damages; and
- (c) for the expenses of the action.

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STATEMENT OF CLAIM

1. The pursuer is (*state designation, address, National Insurance Number (where applicable), occupation and date of birth of pursuer*).
(*In an action arising out of the death of a relative state designation of the deceased and relation to the pursuer*).
2. The defender is (*state designation, address and occupation of the defender*).
3. The court has jurisdiction to hear this claim against the defender because (*state briefly ground of jurisdiction; if the action is raised in the all-Scotland sheriff court, state whether the action is for determination in the exercise of the sheriff's all-Scotland jurisdiction or the sheriff's local jurisdiction*).
4. (*State briefly the facts necessary to establish the claim*).
5. (*State briefly the personal injuries suffered and the heads of claim. Give names and addresses of medical practitioners and hospitals or other institutions in which the person injured received treatment*).
6. (*State whether claim based on fault at common law or breach of statutory duty. If breach of statutory duty, state provision of enactment*).

(Signed)

[A.B.], Pursuer

or [X.Y.], Solicitor for the pursuer (*insert designation and business address*)

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Form PI4

Rule 36.C1

Form of interlocutor appointing the cause to the procedure in Chapter 36A

(To be inserted on the first page of the initial writ, above the crave(s))

Appointment of cause to Chapter 36A

The sheriff, having considered the application of the pursuer [, having heard parties [*or* parties's solicitors] thereon], and being satisfied, considering the likely complexity of the action, that the efficient determination of the action would be served by doing so, appoints the cause to the procedure in Chapter 36A.

(Signed)

Sheriff

(date)

Form PI7

Rules 36.K1 and 36A.10(3)

Form of minute of pre-trial meeting

SHERIFFDOM OF *(insert sheriffdom)* AT *(insert place)*

JOINT MINUTE OF PRE-TRIAL MEETING

in the cause

[A.B.], Pursuer

against

[C.D.], Defender

[E.F] for the pursuer and [G.H.] for the defender hereby state to the court:

1. That the pre-trial meeting was held in this case at *(place)* [*or by video conference*] on *(date)*.
2. That the following persons were present—
(state names and designations of persons attending meeting)
3. That the following persons were available to provide instructions by telephone—
(state names and designations of persons available to provide instructions by telephone)
4. That the persons participating in the meeting discussed settlement of the action.
5. That the following questions were addressed—

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Section 1

		Yes	No
1.	Is the diet of proof or trial still required?		
2.	If the answer to question 1 is “yes”, does the defender admit liability? (If “no”, complete section 2) If yes, does the defender plead contributory negligence? If yes, is the degree of contributory negligence agreed? If yes, state % degree of fault attributed to the pursuer.		
3.	If the answer to question 1 is “yes”, is the quantum of damages agreed? (If “no”, complete section 3).		

Section 2

(To be inserted only if the proof or trial is still required)

It is estimated that the hearing will last *(insert number of days)*.

N.B. If the estimate differs from the number of days previously allocated for the proof or trial then this should be brought to the attention of the sheriff clerk. This may affect prioritisation of the case.

During the course of the pre-trial meeting, the pursuer called on the defender to agree certain facts, questions of law and matters of evidence.

Those calls, and the defender’s responses, are as follows—

Call	Response	
	Admitted	Denied
1.		
2.		
3.		
4.		

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During the course of the pre-trial meeting, the defender called on the pursuer to agree certain facts, questions of law and matters of evidence.

Those calls, and the pursuer’s responses, are as follows—

Call	Response	
	Admitted	Denied
1.		
2.		
3.		
4.		

Section 3

Quantum of damages

Please indicate where agreement has been reached on an element of damages.

Head of claim	Components	Not agreed	Agreed at
Solatium	Past		
	Future		
Interest on past solatium	Percentage applied to past solatium (state percentage)		
Past wage loss	Date from which wage loss claimed		
	Date to which wage loss claimed		
	Rate of net wage loss (per week, per month or per annum)		

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Interest on past wage loss			
Future wage loss	Multiplier		
	Multiplicand (showing how calculated)		
Past necessary services	Date from which services claimed		
	Date to which services claimed		
	Hour per week services provided		
	Net hourly rate claimed		
Past personal services	Date from which services claimed		
	Date to which services claimed		
	Hour per week services provided		
	Net hourly rate claimed		
Interest on past services			
Future necessary services	Multiplier		
	Multiplicand (showing how calculated)		

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Future personal services	Multiplier		
	Multiplicand (showing how calculated)		
Needs and other expenses	One off		
	Multiplier		
	Multiplicand (showing how calculated)		
Any other heads as appropriate (<i>specify</i>)			

(Signed by each party/his or her solicitor)

Form PI8

Rule 36B.7(1)

Form of oath for jurors

The jurors are to raise their right hands and the sheriff clerk will ask them—

“Do you swear by Almighty God that you will well and truly try the issue and give a true verdict according to the evidence?”

The jurors must reply:

“I do”.

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Form PI9

Rule 36B.7(2)

Form of affirmation for jurors

The jurors must repeat after the sheriff clerk—

“I solemnly, sincerely and truly declare and affirm that I will well and truly try the issue and give a true verdict according to the evidence”.