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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 315**

**COURT OF SESSION  
SHERIFF APPEAL COURT  
SHERIFF COURT**

**Act of Sederunt (Rules of the Court of Session 1994 and Sheriff  
Court Rules Amendment) (No. 4) (Simple Procedure) 2016**

*Made* - - - - - *11th October 2016*  
*Laid before the Scottish*  
*Parliament* - - - - - *13th October 2016*  
*Coming into force* - - - - - *28th November 2016*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013<sup>(1)</sup>, the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council with such modifications as it thinks appropriate.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 103(1) and 104(1) of the Courts Reform (Scotland) Act 2014<sup>(2)</sup> and all other powers enabling it to do so.

**Citation and commencement, etc.**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 4) (Simple Procedure) 2016.

(2) It comes into force on 28th November 2016.

(3) A certified copy is to be inserted in the Books of Sederunt.

**Amendment of the Rules of the Court of Session 1994**

2.—(1) The Rules of the Court of Session 1994<sup>(3)</sup> are amended in accordance with this paragraph.

(2) In rule 1.3(1) (interpretation) after the definition of “send”, insert—

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(1) [2013 asp 3](#). Section 4 was amended by the Courts Reform (Scotland) Act 2014 ([asp 18](#)), schedule 5, paragraph 31(3) and the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, schedule 1, paragraph 1(4).

(2) [2014 asp 18](#).

(3) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2016/312.

““simple procedure case” has the meaning given by section 72(9) of the Courts Reform (Scotland) Act 2014;”.

- (3) In rule 40.7(2)(b)(iii) (procedure following transmission of appeal process)—
- (a) omit “or a small claim under the Act of Sederunt (Small Claim Rules) 2002”;
  - (b) after “the stated case of the sheriff”, insert “, or in an appeal in a simple procedure case, the Decision Form and Appeal Report”.

### **Revocation and saving of the Small Claim Rules 2002**

**3.—**(1) The Act of Sederunt (Small Claim Rules) 2002(4) is revoked.

(2) Despite that revocation, the Small Claim Rules 2002 continue to apply to a small claim commenced before 28th November 2016.

(3) Despite the revocation of paragraph 3 of the Act of Sederunt (Small Claim Rules) 2002 (transitional provision), the law and practice in force immediately before 10th June 2002 continues to apply to a small claim commenced before that date.

### **Amendment of the Act of Sederunt (Summary Cause Rules) 2002**

**4.—**(1) The Act of Sederunt (Summary Cause Rules) 2002(5) is amended in accordance with this paragraph.

(2) In paragraph 2 (Summary Cause Rules), omit “other than a small claim”.

(3) In schedule 1 (Summary Cause Rules 2002)—

- (a) in rule 1.1 (citation, interpretation and application)—
  - (i) in paragraph (2), omit the definition of “small claim”;
  - (ii) omit paragraph (6);
- (b) in rule 16.2B (remits from ordinary cause or small claim to summary cause)—
  - (i) the heading becomes “Remits from ordinary cause to summary cause”;
  - (ii) omit “or small claim”;
  - (iii) in subparagraph (a), omit “in the case of an ordinary cause,”;
- (c) in appendix 2 (glossary)—
  - (i) in the term “remit between procedures”, for “e.g. small claim or” substitute “i.e.”;
  - (ii) after the term “sheriff officer”, insert—
 

*“Simple procedure*

Simple procedure is a court process designed to provide a speedy, inexpensive and informal way to resolve disputes.”;
  - (iii) omit the term “small claim”.

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(4) The Small Claim Rules 2002 are in schedule 1 of the Act of Sederunt (Small Claim Rules) 2002 ([S.S.I. 2002/133](#)), last amended by [S.S.I. 2016/194](#).

(5) The Summary Cause Rules 2002 are in schedule 1 to the Act of Sederunt (Summary Cause Rules) 2002 ([S.S.I. 2002/132](#)), last amended by [S.S.I. 2016/229](#).

## **Amendment of the Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002**

5.—(1) The Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002(6) are amended in accordance with this paragraph.

(2) In rule 1(2) (interpretation) at the end, insert—

““simple procedure case” has the meaning given by section 72(9) of the Courts Reform (Scotland) Act 2014.”

(3) After rule 6A (vulnerable witnesses), insert—

### **“Simple procedure**

**6AA.**—(1) This rule applies to any application under these rules relating to or following from a simple procedure case.

(2) Any form may be adapted where required to fit the terminology or procedure in a simple procedure case.

(3) Where these rules require an application to be made by minute, that application must be made by Form 35 (debt arrangement and attachment application), and references to a minute include references to that form.

(4) References to a certified copy of an interlocutor mean a certified copy of an order of the sheriff.”

(4) In appendix 1 (forms) at the end, insert the form set out in schedule 1 of this Act of Sederunt.

(5) In appendix 2 (glossary)—

(a) omit the term “hearing date”;

(b) in the term “incidental application”, omit “a small claim or”;

(c) in the term “motion”, omit “small claim or”;

(d) in the term “remit between procedures”, omit “either the small claim or”;

(e) in the term “return day”, omit “small claim or”;

(f) after the term “sheriff officer”, insert—

#### *“Simple procedure*

Simple procedure is a court process designed to provide a speedy, inexpensive and informal way to resolve disputes.”;

(g) omit the term “small claim”;

(h) in the term “summary cause”, for “usually having a higher value than a small claim and” substitute “(other than simple procedure cases), with”;

(i) in the term “summons”, omit “small claim or”;

(j) in the term “writ”, omit “a small claim or”.

## **Amendment of the Act of Sederunt (Sheriff Appeal Court Rules) 2015**

6.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2015(7) is amended in accordance with this paragraph.

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(6) The Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002 are in Schedule 1 to the Act of Sederunt (Debt Arrangement and Attachment (Scotland) Act 2002) 2002 (S.S.I. 2002/560), last amended by S.S.I. 2015/419.

(7) S.S.I. 2015/356, last amended by S.S.I. 2016/312.

- (2) In chapter 29 (appeals from summary causes and small claims)—
- (a) the heading of the chapter becomes “Appeals from summary causes”;
  - (b) in rule 29.1(1) omit subparagraph (b);
  - (c) in rule 29.3(1)—
    - (i) omit “or rule 23.4(4) of the Small Claim Rules 2002”;
    - (ii) in subparagraph (a), omit “or form 23 of the Small Claim Rules 2002”.
- (3) In paragraph 1(3)(h) of schedule 1, omit “and small claims”.

### **Amendment of the Act of Sederunt (Simple Procedure) 2016**

7.—(1) The Act of Sederunt (Simple Procedure) 2016<sup>(8)</sup> is amended in accordance with this paragraph.

- (2) In paragraph 3(1) (interpretation of the Simple Procedure Rules)—
- (a) in the definition of “a case where the expenses of a claim are capped”, omit subparagraph (b);
  - (b) for “a decision absolving the responding party” substitute “a decision which absolves the respondent”;
  - (c) for “a decision ordering the responding party to deliver something to the claimant” substitute “a decision which orders the respondent to deliver something to the claimant”;
  - (d) for “a decision ordering the responding party to do something for the claimant” substitute “a decision which orders the respondent to do something for the claimant”;
  - (e) in the definition of “child’s property administration order” for “11(1)” substitute “11(1)(d)”;
  - (f) for “restart a case” substitute “restart the case”.
- (3) In schedule 1 (the simple procedure rules)—
- (a) in rule 1.8(12), for “part of claim” substitute “part of a claim”;
  - (b) in rule 5.6(2), for “order” substitute “an order”;
  - (c) in rule 6.5(1)—
    - (i) for “4” substitute “5”;
    - (ii) after subparagraph (d) insert—
      - “(e) delivering it to a document exchange of which that party or that party’s representative is a member.”;
  - (d) in rule 6.6(1)—
    - (i) for “three” substitute “4”;
    - (ii) after subparagraph (c) insert—
      - “(d) delivering it to a document exchange of which the sheriff clerk is a member.”;
  - (e) in rule 6.7(1)—
    - (i) for “three” substitute “4”;
    - (ii) in after subparagraph (c) insert—
      - “(d) delivering it to a document exchange of which that party or that party’s representative is a member.”;

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<sup>(8)</sup> S.S.I. 2016/200.

- (f) in rule 7.5(4), for “From” substitute “Form”;
- (g) in rule 9.8(5)(c), for “(See Part 15)” substitute “(See Part 14)”;
- (h) in rule 9.10(2), for “send” where it second occurs substitute “sent”;
- (i) for the heading to rule 10.9 substitute “What happens if an order to recover documents has not been complied with?”;
- (j) in rule 10.11(1) for “that” substitute “if”;
- (k) in rule 10.11(3) for “court” where it second appears substitute “commissioner”;
- (l) in rule 10.11(5)(c) for “court” where it first appears substitute “commissioner”;
- (m) omit rule 11.3(3);
- (n) for rule 11.7(3) substitute—
  - “(3) When a Special Measures Review Application is received, the sheriff may do one of 5 things:
    - (a) vary a special measure,
    - (b) add a new special measure,
    - (c) substitute a new special measure for an existing one,
    - (d) delete a special measure, or
    - (e) revoke the order authorising the use of special measures entirely.”
- (o) after rule 12.3(4), insert—
  - “(5) But the sheriff must not continue a hearing to another day solely because a witness did not appear.”;
- (p) in rule 13.5(1)(a), for “rule 7.2(2)” substitute “rule 7.2(4)”;
- (q) in rule 15.4, paragraphs (5) and (6) are renumbered paragraphs (4) and (5) respectively;
- (r) in renumbered rule 15.4(4) for “sheriff officer” substitute “person”;
- (s) in rule 15.5(4), omit “and any objection that may have been sent.”;
- (t) in rule 16.3(8), after “sign” insert “or authenticate electronically”;
- (u) after rule 16.4(7), insert—
  - “(8) Parts 2, 4, 5 and 6 of the Act of Sederunt (Sheriff Appeal Court Rules) 2015 apply to the appeal.”.
- (v) in rule 18.2(c) for “6.10(2)” substitute “6.11(2)”;
- (w) in rule 19.3(8), for “signed” substitute “completed”;
- (x) in rule 19.4(10), for “sign” substitute “complete”;
- (y) in rule 19.4(13), for “signed” substitute “completed”;
- (z) in rule 19.5(10), for “sign” substitute “complete”;
- (aa) in rule 19.5(13), for “signed” substitute “completed”;
- (bb) in rule 19.5(14), for “Confirmation of Service” substitute “Confirmation of Formal Service”;
- (cc) in rule 19.6(4), for “sign” substitute “complete”;
- (dd) in rule 19.7(8), for “sign” substitute “complete”;
- (ee) in rule 19.7(11), for “signed” substitute “completed”;
- (ff) in rule 19.7(16) omit “Notice”;
- (gg) for rule 20.3 substitute—

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**“20.3 What happens when the court receives a Provisional Orders Application?”**

- (1) The next steps depend on whether the claimant has asked the court to grant the Provisional Orders Application with or without holding a hearing.
- (2) If the claimant has asked the court to hold a hearing, before deciding whether to grant the Provisional Orders Application, the sheriff must—
  - (a) send the claimant notice of when and where the hearing is to be held, and
  - (b) order the claimant to tell the respondent and any interested person when and where it is to be held.
- (3) If the claimant has asked the court to grant the Provisional Orders Application without holding a hearing, the sheriff may do one of 3 things:
  - (a) grant the Provisional Orders Application and send the claimant written orders containing the provisional orders,
  - (b) refuse to grant the Provisional Orders Application without holding a hearing and send the claimant notice of when and where the hearing is to be held, or
  - (c) where the claimant has indicated in Form 20A that they do not want the court to arrange a hearing under paragraph (3)(b), refuse the Provisional Orders Application.
- (4) Where the sheriff grants the Provisional Orders Application without holding a hearing, the sheriff must also fix a provisional orders review hearing and order the claimant to tell the respondent and any interested person when and where it is to be held.
- (5) If the sheriff refuses to grant the Provisional Orders Application without holding a hearing, the sheriff must also order the claimant to send the respondent and any interested person notice of when and where the hearing is to be held.”;

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(hh) in rule 20.7(2), for “rule 20.6” substitute “rule 20.8”.

- (4) In schedule 2 (forms)—
  - (a) in Form 3A (Claim Form) in section D7, for “the respondent have kept” substitute “the respondent has kept”;
  - (b) in Form 3C (Further Respondent Form)—
    - (i) part C becomes part B;
    - (ii) in the renamed section B3—
      - (aa) for “please complete C3” substitute “please complete B4”;
      - (bb) for “please complete C4” substitute “please complete B5”;
  - (c) for Form 4A (Response Form), substitute the form set out in schedule 2 of this Act of Sederunt;
  - (d) in Form 5A (Time to Pay Application)—
    - (i) in the introduction, for “pursuer” in both places it appears, substitute “claimant”;
    - (ii) in section B5, for “Are you apply” substitute “Are you applying”;
  - (e) in Form 5B (Time to Pay Notice)—
    - (i) for “within 14 days of the date above” substitute “within 2 weeks after the Time to Pay Application is sent”;
    - (ii) the second section B1 is renumbered section C1;

- (f) for Form 6B (Service by Advertisement Application), substitute the form set out in schedule 3 of this Act of Sederunt;
- (g) in Form 6C (Confirmation of Formal Service) in part A, for “Representative” substitute “Respondent”;
- (h) in Form 7A (Application for a Decision)—
  - (i) in part A, for “Representative” substitute “Respondent”;
  - (ii) in part C, the heading becomes “ABOUT THE APPLICATION”;
- (i) in Form 8A (Order of the Sheriff), for “Court ref no” substitute “Case reference number”;
- (j) in Form 9A (Application to Pause) in the introduction, for “You must send fill in” substitute “You must fill in”;
- (k) in Form 9B (Application to Restart) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
- (l) in Form 9C (Additional Respondent Application) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
- (m) in Form 9D (Application to Amend) in part A, for “Representative” substitute “Respondent”;
- (n) in Form 9E (Abandonment Notice)—
  - (i) in the introduction, for “Abandoment” substitute “Abandonment”;
  - (ii) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
- (o) in Form 9G (Incidental Orders Application)—
  - (i) in the introduction, after “9.10” insert “and rule 20.6”;
  - (ii) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
  - (iii) in section B2, after “party” insert “or interested person”;
  - (iv) in section B2, at the end insert an entry for “Interested Party”;
  - (v) the section after section C2 is numbered section C3;
- (p) in Form 10B (Recovery of Documents Application) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
- (q) in Form 10C (Application to Open Confidential Document)—
  - (i) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
  - (ii) in section C1, for “Include the date on which the envelope was sent the court and who sent it” substitute “Include the date on which the envelope was sent to the court and who sent it”;
  - (iii) sections C3 and C4 are renumbered sections C2 and C3 respectively;
  - (iv) the second section D3 is renumbered section D4;
- (r) in Form 10D (Special Recovery of Documents Application)—
  - (i) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
  - (ii) the second section C4 is renumbered section C5;
  - (iii) the second section D3 is renumbered section D4;
- (s) in Form 11B (Witness Citation Notice) in the introduction, omit “on the above date”;

- (t) in Form 11C (Child Witness Notice)—
  - (i) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
  - (ii) the second section C3 is renumbered section C4;
  - (iii) sections C4 and C5 are renumbered sections C5 and C6 respectively;
- (u) in Form 11D (Vulnerable Witness Application) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
- (v) in Form 11E (Special Measures Review Application) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
- (w) in Form 15A (Charge to Pay)—
  - (i) in section B for “sheriff officer” substitute “sheriff officer/solicitor”;
  - (ii) in section B omit the entry for “Witness”
  - (iii) in section C for “You must comply with this decision the period set out below or there may be enforcement action taken against you and your property” substitute “You must comply with this decision within the period set out below or there may be enforcement action taken against you and your property”;
- (x) in Form 15B (Alternative Decision Application) in the introduction, for “You must send” to “sent to the claimant.”, substitute “You must fill in Parts A, B and C of this application and send it to the court.”;
- (y) in Form 17C (Invitation to Intervene) in the introduction, for “Scottish Human Rights Commission” substitute “Scottish Commission for Human Rights”;
- (z) in Form 17D (Application to Change a Damages Management Order)—
  - (i) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
  - (ii) sections C3 and C4 are renumbered sections C2 and C3 respectively;
- (aa) in Form 17E (Application for Instructions about a Damages Management Order)—
  - (i) in the introduction after “whether to give”, insert “instructions”;
  - (ii) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
  - (iii) sections C3 and C4 are renumbered section C2 and C3 respectively;
- (bb) in Form 17F (Application for a Child’s Property Administration Order)—
  - (i) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
  - (ii) sections C3 and C4 are renumbered section C2 and C3 respectively;
- (cc) in Form 19B (Method of Service Abroad Certificate) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
- (dd) in Form 20C (Provisional Orders Reconsideration Application) in section B1, at the end insert an entry for “Trading name or representative capacity (if any)”;
- (ee) in Form 20D (Arrestment Notice)—
  - (i) in the first part D, for “Date of formal service” substitute “Date and time of formal service”;
  - (ii) the second part D becomes part E;
- (ff) in Form 20E (Confirmation of Formal Service of Arrestment Notice) in section C2—



- (i) omit the entry for “By a next-day postal service which records delivery”;
- (ii) omit the entry for “Other”;
- (iii) omit “have selected “Other” or”.

(5) For schedule 3 (standard orders) substitute the standard orders set out in schedule 4 of this Act of Sederunt.

### **Saving provisions**

**8.—**(1) The amendments made by the following paragraphs of this Act of Sederunt do not apply to a small claim commenced before 28th November 2016—

- (a) paragraph 2(3);
- (b) paragraph 4(3)(a) and (b);
- (c) paragraph 6(2).

Edinburgh  
11th October 2016

*CJM SUTHERLAND*  
Lord President  
I.P.D.

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SCHEDULE 1

Paragraph 5(4)



FORM 35

# Debt Arrangement and Attachment Application

This is a Debt Arrangement and Attachment Application.

It is used to ask the sheriff to make certain orders relating to interim diligence in a simple procedure case.

## A. ABOUT THE CASE

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Sheriff Court

Claimant

Respondent

Case reference number

## B. ABOUT YOU

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B1. What is your full name?

Name

Middle name

Surname

Trading name or representative capacity (if any)

B2. Which party in this case are you?

Claimant

Respondent

## C. THE APPLICATION

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C1. What is the background to this application?

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- ① The party making the application must set out the essential facts relevant to the orders the court is being asked to make.

**C2. What orders would you like the court to make?**

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- ① The party making the application must set out the terms of the orders the court is being asked to make.

**C3. Why should the court make these orders?**

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- ① The party making the application must set out why the court should make the orders asked for.

**C4. When was this application sent to the court?**

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- ① Set out the date on which the application was sent to the court .

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SCHEDULE 2

Paragraph 7(4)(c)



FORM 4A  
**The Simple Procedure  
Response Form**

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **£5,000 or less**.

A claim has been raised against you under the Simple Procedure. You have been provided with a copy of the Claim Form which sets out the claim made against you.

The Simple Procedure Rules should be read alongside this form. They can be found on the Scottish Courts and Tribunals Service website. Please **read the whole Response Form** before beginning to complete it. There are guidance notes for each part of the form.

Please note that if you **do nothing**, the court will almost certainly, if appropriate, award the claim to the claimant and order you to make a payment, including interest and expenses.

Case Reference Number

**A. ABOUT YOU**

Set out information about you, so that the court knows who you are and how to contact you.

A1. Are you an individual, a company or an organisation?

- An individual (including a sole trader) (please fill out A2)
- A company or organisation (please fill out A3)

A2. What is your full name?

Name	<input type="text"/>
Middle name	<input type="text"/>
Surname	<input type="text"/>
Trading name or representative capacity (if any)	<input type="text"/>

A3. What is the name of the company or organisation?

Name	<input type="text"/>
Company type	<input type="text"/>

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Company registration number (if limited company or LLP)

Trading name (if any)

**A4. What are your contact details?**

Address

City

Postcode

Email address

**A5. How would you prefer the court and the claimant to contact you?**

By post

Email

**B. ABOUT YOUR REPRESENTATION**

<sup>①</sup> Set out information about how you will be represented.

**B1. How will you be represented during this case?**

I will represent myself

I will be represented by a solicitor

I will be represented by a non-solicitor (e.g. a family member, friend, or someone from an advice or advocacy organisation)

**B2. Who is your representative?**

<sup>①</sup> If a family member or friend, give their full name. If someone from an advice or advocacy organisation, also give the name of that organisation.

Name

Surname

Organisation / firm name

**B3. What are the contact details of your representative?**

<sup>①</sup> If your representative works for a solicitors' firm or an advice or advocacy organisation, give the address of that firm or organisation.

Address

City

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Postcode

Email address

**B4. Would you like us to contact you through your representative?**

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① If you select 'yes', then the court will send orders and information in this case to your representative.

Yes

No

**B5. How would your representative prefer the court to contact them?**

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By post

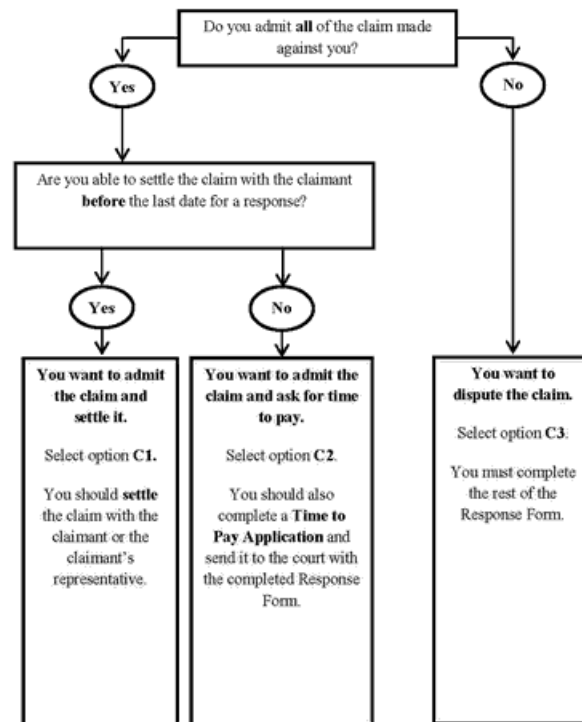
Email

**C. YOUR RESPONSE TO THE CLAIM**

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① You should decide now how you intend to respond to this claim. There are three options. Please mark the box next to the option you choose and follow those instructions.

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- C1. I want to admit the claim and settle it before the last date for a response.**
  - ① You should select this option if you accept that the claim against you is correct and you are able to settle it with the claimant now.
  - ① You do not need to complete Parts D and E.
  - ① You should send this Response Form to the court and to the claimant. You should settle the claim with the claimant or the claimant's representative by the last date for a response.
- C2. I want to admit the claim and apply for time to pay.**
  - ① You should select this option if you accept that the claim against you is correct but you want to be given time to make a payment, or time to make payments in instalments.
  - ① You do not need to complete Parts D and E.
  - ① You should also complete a Time to Pay Application and send it with this completed Response Form to the court and to the claimant by the last date for a response.

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**C3. I want to dispute the claim.**

- ① You should select this option if you do not accept that the claim against you is correct, and you want to:
  - argue that the court does not have jurisdiction,
  - dispute the entire claim, or
  - dispute the amount that is being claimed.
- ① You should complete this Response Form and send it to the court and to the claimant by the last date for a response. You will be sent written orders by the court telling you how to proceed.

**D. ABOUT YOUR RESPONSE**

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**D1. What is the background to this claim?**

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- ① In this part, you should set out the essential factual background to the claim. The claimant has set out their understanding in section D1 of the Claim Form. In particular, you should set out anything in section D1 of the Claim Form which you disagree with.
- ① For example, you should include:
  - key dates
  - if there was an agreement, what was agreed
  - when you became aware of the problem or dispute
  - whether any payments have been made so far, and if so what
  - whether any services have been provided so far, and if so what.
- ① If this is insufficient space to describe the essential factual background, you may use another sheet of paper, which must be headed 'D1' and must be attached to the Response Form.

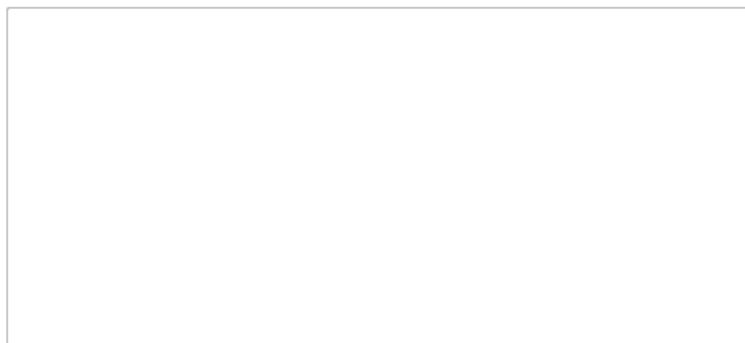


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**D2. Why should the claim not be successful?**

- ① You should set out briefly the reasons why the claim made against you should not be successful, and the court should not make the orders which the claimant has asked for in section D3 of the Claim Form.
- ① For example, reasons might include:
  - that you did not breach a contract with the claimant (e.g. work was completed satisfactorily)
  - that you did not cause the claimant damage or financial loss
  - that you have the right to keep something belonging to the claimant (e.g. because a repair has not been paid for).
- ① If this is insufficient space to set out these reasons, you may use another sheet of paper, which must be headed 'D2' and must be attached to the Response Form.



**D3. Are there any additional respondents you think should be responding to this claim?**

- ① You should complete this section if you think that:

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- you have a right of contribution, relief or indemnity against someone who is already a respondent
- someone else should be made a respondent in this claim, as they are solely, jointly, or jointly and severally liable with you for the claim made against you
- someone else should be made a respondent in this claim as they are liable to you for the claim made against you.

① If you complete this section then the court may order you to formally serve the Claim Form and the Response Form on any additional respondents.

Yes (please complete D4)

No

**D4. Which additional respondents do you think should be responding to this claim?**

① Set out below the full names and addresses of any additional respondents you think should be responding to the claim made against you.

① Set out the reasons why each person should be an additional respondent to the claim made against you.

1. [ Name ] [ Address ] [ Reasons why this person should be an additional respondent ]
2. [ Name ] [ Address ] [ Reasons why this person should be an additional respondent ]
[...]

**D5. What steps have you taken, if any, to try to settle the dispute with the claimant?**

① It is an important principle of simple procedure that parties should be encouraged to settle their disputes by negotiation, where possible.

① The court will use this information to assess whether more negotiation would help you and the claimant settle your dispute.

--

**E. WITNESSES, DOCUMENTS AND EVIDENCE**

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**E1. Set out in a numbered list any witnesses you might bring to a hearing to support your response, their name and address, and what their relationship to the claim or response is.**

- ① You should list any witnesses you think you might bring to a hearing. You do not need to list yourself or the claimant.
- ① You should provide the full name and address of any witnesses.
- ① Your claim may require no witnesses other than you and the claimant. You do not need to bring a witness if the evidence which they might give can be shown in some other way, e.g. by photographs.
- ① You should describe the relationship of each witness to the claim or response. For example, you might indicate that a witness:
  - was the person with whom you made an agreement,
  - was present when the alleged damage took place,
  - inspected some work which you consider to have been completed satisfactorily.
- ① If the court orders a hearing, Part 11 of the Simple Procedure Rules tells you what you need to do to arrange the attendance of your witnesses.

1. [ Name ] [ Address ] [ Relationship to the claim or response ]
2. [ Name ] [ Address ] [ Relationship to the claim or response ]
3. [ Name ] [ Address ] [ Relationship to the claim or response ]
[...]

**E2. Set out in a numbered list any documents you might bring to court to support your response.**

- ① You should list any documents you think you might bring to a hearing. This includes photographs and other printed material which may be kept in a file.
- ① When preparing these documents for a hearing, it is useful if they are indexed with numbers.
- ① If the court orders a hearing, Part 10 of the Simple Procedure Rules tells you what you need to do to lodge documents before that hearing.

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1.
2.
3.
4.
5.
[...]

**E3. Set out any other pieces of evidence you intend to bring to a hearing to support your response.**

- ① You should list any other evidence you think you might bring to a hearing.
- ① This includes objects, but not printed material. For example, if the claim was about damage caused to an item of clothing, you might list the item of clothing. You do not need to bring a piece of evidence if the important point can be shown in some other way, e.g. by photographs.
- ① If the court orders a hearing, Part 10 of the Simple Procedure Rules tells you what you need to do to lodge other evidence before that hearing.

1.
2.
3.
4.
5.
[...]

**PLEASE CHECK THIS FORM BEFORE SENDING IT.**

SCHEDULE 3

Paragraph 7(4)(f)



FORM 6B

## The Simple Procedure Service by Advertisement Application

This is a Service by Advertisement Application. You should complete this application if, after taking all reasonable steps to find out the respondent's address, you do not know what the respondent's address is.


If you complete this application and send it to court with the Claim Form, then the court may order the details of the claim to be publicised by advertisement on the Scottish Courts and Tribunals Service website.

Before completing this form, you should read rule 6.12 of the Simple Procedure Rules, which is about service by advertisement.

### A. ABOUT THE CASE

Sheriff Court	<input type="text"/>
Claimant	<input type="text"/>
Respondent	<input type="text"/>
Case reference number	<input type="text"/>

### B. ABOUT YOU

 Fill in information about you, so that the court knows who you are and how to contact you.

B1. Are you an individual, a company or an organisation?

- An individual (including a sole trader) (please fill out B2)
- A company or organisation (please fill out B3)

B2. What is your full name?

Name	<input type="text"/>
Middle name	<input type="text"/>
Surname	<input type="text"/>

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Trading name or representative capacity (if any)

**B3. What is the name of the company or organisation?**

Name   
Company type   
Company registration number (if limited company or LLP)   
Trading name (if any)

**B4. What are your contact details?**

Address   
City   
Postcode   
Email address

**C. SERVICE BY ADVERTISEMENT**

**C1. What steps have you taken to find out the respondent's address?**

① The court will only grant this application if you have taken all reasonable steps to find out the respondent's address.

SCHEDULE 4

Paragraph 7(5)



SO1

## The Simple Procedure Order of the Sheriff

Response Form received: ordering a case management discussion

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

---

The respondent has indicated to the court that this claim will be disputed.

The sheriff has considered the Claim Form and the Response Form and has **given the following orders:-**

### Settlement and negotiation

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute, **before** the case management discussion. If the case is settled before the case management discussion date then the parties must contact the court immediately.

### Case management discussion

The sheriff would like to discuss this case with **both parties** before ordering a formal court hearing. Both parties are therefore **ordered** to attend a case management discussion in the sheriff court.

The purpose of a case management discussion is to allow the sheriff to discuss the claim and response with both parties and to clarify any concerns which the sheriff has. At the case

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management discussion, the sheriff will also discuss with both parties their attitudes to negotiation and alternative dispute resolution.

At the case management discussion, the sheriff will give both parties orders in person arranging a hearing at which the case will be considered and their dispute resolved. The sheriff may make a decision at a case management discussion.

**Clarification**

The claimant is ordered to write to the court and to the respondent at least 14 days before the date of the case management conference to clarify these issues:

1. [list]

The respondent is ordered to write to the court and to the claimant at least 14 days before the date of the case management conference to clarify these issues:

1. [list]

**Documents and other evidence**

The claimant is ordered to bring the following documents or other evidence to the case management discussion:

1. [list]

The respondent is ordered to bring the following documents or other evidence to the case management discussion:

1. [list]

**Date**

Both parties are ordered to attend a case management discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At the case management discussion, the sheriff expects both parties to be prepared to discuss the case and to have an open and constructive attitude to the possibility of negotiation or alternative dispute resolution.

**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]



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SO2

## The Simple Procedure Order of the Sheriff

Response Form received: ordering a hearing

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

The respondent has indicated to the court that this claim will be disputed.

The sheriff has considered the Claim Form and the Response Form and has **given the following orders**:-

### **Settlement and negotiation**

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute, **before** the hearing date. If the case is settled before the hearing date then the parties must contact the court immediately.

### **Documents and other evidence**

The sheriff has considered the evidence and other documents which the claimant thinks would support the claim.

The claimant is **ordered to also** lodge the following documents or other evidence at least 14 days before the hearing date, as the sheriff considers them necessary to support their claim:

1. [list]

The claimant is **ordered** not to lodge the following documents or other evidence, as the sheriff considers them unnecessary to support the claim:

1. [list]

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The sheriff has considered the evidence and other documents which the respondent thinks would support the response.

The respondent is ordered to also lodge the following documents or other evidence at least 14 days before the hearing date, as the sheriff considers them necessary to support their response:

1. [list]

The respondent is ordered not to lodge the following documents or other evidence, as the sheriff considers them unnecessary to support the response:

1. [list]

Both parties are ordered to bring two copies of every document that is lodged to the hearing.

**Clarification**

The claimant is ordered to write to the court and to the respondent at least 14 days before the hearing date to clarify these issues:

1. [list]

The respondent is ordered to write to the court and to the claimant at least 14 days before the hearing date to clarify these issues:

1. [list]

**Hearing Date**

Both parties are ordered to attend a hearing at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this hearing, the sheriff will expect both parties to be prepared to argue their case in full. Both parties should be aware that the sheriff may make a decision in their case even if they are not fully prepared to argue their case.

The case may be decided or dismissed in the absence of a party, if that party fails to attend the hearing.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SC3

## The Simple Procedure Order of the Sheriff

Response Form received: considering making a decision without a hearing

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

---

The respondent has indicated to the court that this claim will be disputed.

The sheriff has considered the Claim Form and the Response Form and has **given the following orders:-**

### **Settlement and negotiation**

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute. If the case is settled before the date on which the sheriff intends to make a decision then the parties must contact the court immediately.

### **A decision without a hearing**

The sheriff considers that the dispute between the parties is capable of being resolved without a hearing. This is because the dispute appears only to involve a question of law [or because the dispute appears capable of being resolved based only on consideration of the documents and other evidence listed in the Claim Form and Response Form]. If the dispute is resolved without a hearing then the sheriff will give parties an opportunity to write to the court setting out their arguments in the case in advance of making a decision.

### **Opportunity to object**

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Both parties are being given an opportunity to object to this dispute being resolved without a hearing.

Both parties are ordered to write to the sheriff by [date] stating whether they are content for a decision to be made without a hearing. If parties are not content for a decision to be made without a hearing, they must set out the reasons why a hearing will be necessary to resolve this dispute.

Parties should be aware that failing to write to the sheriff may result in the sheriff deciding to resolve this dispute without a hearing.

**Next steps**

The sheriff will issue further written orders within 14 days of [date]. These written orders will state whether the sheriff has decided to resolve this dispute without a hearing.

**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]

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SO4

## The Simple Procedure Order of the Sheriff

Response Form received: making a decision without a hearing

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

The sheriff sent the parties written orders stating that the sheriff was considering making a decision in this case without a hearing.

The sheriff has considered the responses received [or no responses were received] and has **given the following orders:-**

### **Settlement and negotiation**

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute. If the case is settled before the date on which the sheriff intends to make a decision (below) then the parties must contact the court immediately.

### **A decision without a hearing**

The sheriff has decided to make a decision in this case without a hearing.

The sheriff will make this decision on [date].

### **Clarification**

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The claimant is ordered to write to the court and to the respondent at least 14 days before the decision date to clarify these issues:

1. [list]

The respondent is ordered to write to the court and to the claimant at least 14 days before the decision date to clarify these issues:

1. [list]

**Notes of argument**

Parties are ordered to send the court notes of argument at least 14 days before the decision date. These notes should set out any legal points which they wish to make to the sheriff and should comment on any aspect of the evidence which they wish the sheriff to consider.

**Documents and other evidence**

Documents and other evidence may be lodged by sending copies to the sheriff clerk.

The claimant is ordered to lodge the following documents or other evidence at least 14 days before the decision date, as the sheriff considers them necessary to support their claim:

1. [list]

The respondent is ordered to lodge the following documents or other evidence at least 14 days before the decision date, as the sheriff considers them necessary to support their response:

1. [list]

Both parties should be aware that the sheriff may make a decision in this case on [date] even if they do not follow the orders above.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SO5

# The Simple Procedure Order of the Sheriff

Transferring a case between courts

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

The sheriff has considered this simple procedure case and has **given the following orders:-**

### Transfer to a different sheriff court

[The sheriff considers that this claim ought to have been raised in a different sheriff court.]

The case is **ordered** to be transferred to *[name of sheriff court]*.

### What happens next

You will be contacted by the sheriff clerk at *[name of sheriff court]* with the next orders in this case.

**Signed by:**  Sheriff of *[sheriffdom]* at *[sheriff court]*

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SO6

# The Simple Procedure Order of the Sheriff

Unless order

This is an order of the sheriff in a case which you are a party in. You should **read it** and **follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

**Sheriff Court:**

**Date of order:**

**Claimant:**

**Respondent:**

**Case reference number:**

---

## Order

The sheriff orders [the claimant / the respondent] to take the following step[s] by [date]:

1. [list].

## Possibility of dismissal

The sheriff considers that taking the steps listed above is necessary for the progress of this case. The claimant is **warned** that unless these steps are taken, this case will be **dismissed** without further warning.

If the step[s] listed above are not taken then the sheriff **dismisses** the claim against the respondent.

**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]



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S07

# The Simple Procedure Order of the Sheriff

Application to Pause

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

---

The court has received an Application to Pause.

The sheriff has considered the Application and has **given the following orders**—

*[The order below can be used where the sheriff has decided to grant the application, without a discussion in court.]*

## Pausing Order

The sheriff **orders** the progress of this case to be paused.

This means that all upcoming hearings in this case have been cancelled. No procedural steps may be taken in this case until the case has been restarted. Either party can ask for this to happen by sending an Application to Restart Form to the court and to the other party.

Both parties should be aware that after six months, the sheriff clerk may write to you directing that a particular step should be taken. If this is not done, the claim may be dismissed.

*[The order below can be used where the sheriff has decided to refuse the application, without a discussion in court.]*

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**Refusing a Pausing Order**

The sheriff has not ordered the progress of this case to be paused.

This means that all upcoming hearings in this case are still to go ahead. Parties may continue to progress this case.

*[The order below can be used where the sheriff has decided that a discussion in court is necessary to decide the application.]*

**Discussion in court**

The sheriff wants to hear from both parties before deciding whether to pause the progress of this case.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether the progress of the case should be paused. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SO8

# The Simple Procedure Order of the Sheriff

Application to Restart

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

The court has received an Application to Restart.

The sheriff has considered the Application and has **given the following orders:**–

*[The order below can be used where the sheriff has decided to grant the application, without a discussion in court.]*

## Restarting Order

The sheriff **orders** the progress of this case to be restarted.

Both parties are **ordered** to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

*[The order below can be used where the sheriff has decided to refuse the application, without a discussion in court.]*

## Refusing a Restarting Order

The sheriff **has not** ordered the progress of this case to be restarted.

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

This means that the progress of the case continues to be paused. There are no upcoming hearings or discussions arranged in this case.

[The order below can be used where the sheriff has decided that a discussion in court is necessary to decide the application.]

**Discussion in court**

The sheriff wants to hear from both parties before deciding whether to restart the progress of this case.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether the progress of the case should be restarted. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SO9

## The Simple Procedure Order of the Sheriff

Paused case – unless order

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

The sheriff clerk has presented this case to the sheriff because it has been paused for over 6 months.

The sheriff has considered the case and has **given the following orders**:-

### **Possibility of dismissal**

This case has now been paused for over 6 months. Both parties are **warned** that the sheriff will dismiss this claim unless the following steps are taken:

[Both parties / the claimant / the respondent] must write to the sheriff to explain what they would like to happen to this case. If they would like the case to continue to be paused, they must explain why.

[or

The sheriff wants to hear from both parties before deciding what the next steps in this case should be.

Both parties are **ordered** to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building. At this discussion, the sheriff will expect both parties to be prepared to discuss the progress of the case. ]

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

**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]

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



SO10

# The Simple Procedure Order of the Sheriff

Order to recover documents

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Address:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

The court has received a Recovery of Documents Application.

The sheriff has considered the Application and has **given the following orders:-**

### Order to recover documents

*[This order can be used where the sheriff has decided to grant the application (in whole or in part) without a discussion in court]*

The sheriff **orders** the person mentioned in column 2 of the table below to send the document mentioned in column 1 to the court within [number of days] after this order is formally served.

<i>Column 1</i>	<i>Column 2</i>
<i>Description of document</i>	<i>Name of person who has the document</i>
<input type="text"/>	<input type="text"/>

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The sheriff also orders that person to fill in part A of this order ('the reply') and return it to the court within [number of days] after this order is formally served.

**Refusal of Recovery of Documents Application**

[This order can be used where the sheriff has decided to refuse the application without a discussion in court]

The sheriff refuses to make an order to recover documents.

**Discussion in court**

[This order can be used where the sheriff has decided that a discussion in court is necessary to decide the application]

The sheriff wants to hear from both parties before deciding whether to make an order to recover documents.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether an order to recover documents should be made. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

	Sheriff of [sheriffdom] at [sheriff court]
--	--

**THE REPLY**

[for use only where the sheriff makes an order to recover documents]

**A. ABOUT YOU**

A1. What is your full name?

Name	<input type="text"/>
Middle name	<input type="text"/>
Surname	<input type="text"/>
Trading name or	<input type="text"/>




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representative capacity (if  
any)

## B. DECLARATIONS


### B1. How have you complied with the order to recover documents?

 Tick the box next to the appropriate declaration.

I enclose the following documents.   
They are all the documents in my possession which fall within the description above.

I have no documents in my possession which fall within the description above.

### B2. Do you have any additional information about the order to recover documents?

 Tick the box next to the appropriate declaration.


I believe that there are other documents which fall within the description above but they are not in my possession. I have the following information about them:

I have no additional information about documents which fall within the description above.

### B3. Do you believe that any of the documents that you possess are confidential?

 If your answer is yes, you must still send the document to the court. You should:

- put it in an envelope and seal it
- mark "CONFIDENTIAL" on the front of the envelope

 If the party who obtained the order to recover documents wants to open the envelope, the party has to make an application to the court first. You will be told about any application and you can explain to the sheriff why you think the document is confidential before the sheriff decides whether to grant the application.

Yes

No

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



SO11

# The Simple Procedure Order of the Sheriff

Special order to recover documents

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

**Sheriff Court:**

**Address:**

**Date of order:**

**Claimant:**

**Respondent:**

**Case reference number:**

The court has received a Special Recovery of Documents Application.

The sheriff has considered the Application and has **given the following orders:-**

**Special order to recover documents**

*[This order can be used where the sheriff has decided to grant the application (in whole or in part) without a discussion in court]*

The sheriff **grants commission** to [name], solicitor, [address] ('the commissioner') to recover the documents mentioned in column 1 from the person mentioned in column 2.

Column 1	Column 2
Description of document	Name of person who has the document

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


The sheriff also appoints the commissioner to send a report to the court, together with any documents recovered, as soon as possible.

**Refusal of Special Recovery of Documents Application**

*[This order can be used where the sheriff has decided to refuse the application without a discussion in court]*

The sheriff refuses to make a special order to recover documents.

**Discussion in court**

*[This order can be used where the sheriff has decided that a discussion in court is necessary to decide the application]*

The sheriff wants to hear from both parties before deciding whether to make a special order to recover documents.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether a special order to recover documents should be made. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]
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SO12

# The Simple Procedure Order of the Sheriff

Ordering an expenses hearing

This is an order of the sheriff in a case which you are a party in. You should **read it and follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

<b>Sheriff Court:</b>	<input type="text"/>
<b>Date of order:</b>	<input type="text"/>
<b>Claimant:</b>	<input type="text"/>
<b>Respondent:</b>	<input type="text"/>
<b>Case reference number:</b>	<input type="text"/>

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The sheriff has decided the case and is going to make an order about expenses. The sheriff has **given the following orders**:-

#### **Account of expenses**

The sheriff orders the [claimant / respondent] to send an account of expenses to the court and to the other party by [date 4 weeks before the expenses hearing].

#### **Assessment of expenses**

The sheriff orders the sheriff clerk to assess that account of expenses and send both parties a notice of that assessment by [date 2 weeks before the expenses hearing].

#### **Expenses hearing**

The sheriff orders both parties to attend an expenses hearing at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building. If either party does not intend to challenge the assessment of expenses made by the sheriff clerk, they should contact the sheriff clerk by [date before the expenses hearing].

A failure to attend the expenses hearing will be considered an acceptance of the expenses as assessed by the sheriff clerk.

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**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]

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

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## EXPLANATORY NOTE

*(This note is not part of the Act of Sederunt)*

This Act of Sederunt amends the Rules of the Court of Session 1994, the Sheriff Appeal Court Rules and various sheriff court rules in consequence of the commencement of simple procedure on 28th November 2016.

Paragraph 2 amends the Rules of the Court of Session 1994 to introduce references to simple procedure cases and to remove references relating to small claims. Paragraph 4 makes similar amendments to the Act of Sederunt (Summary Cause Rules) 2002.

Paragraph 3 revokes the Small Claim Rules 2002, and makes savings provisions relating to small claims commenced before 28th November 2016. Additionally, the law and practice in force immediately before 10th June 2002 is maintained for claims commenced before that date.

Paragraph 5 amends the Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002. These amendments include the creation of a new rule applying to applications relating to or following from a simple procedure case. References in the glossary are also amended.

Paragraph 6 amends the Act of Sederunt (Sheriff Appeal Court Rules) 2015. It removes references to small claims appeals.

Paragraph 7 makes minor and typographical amendments to the Act of Sederunt (Simple Procedure) 2016.

Paragraph 8 makes further saving provisions to preserve the law relating to existing small claims.