

Status: Point in time view as at 29/01/2007.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}FIRST SCHEDULE

ORDINARY CAUSE RULES 1993

Textual Amendments

- F1** Sch. 1 (with appendices 1 and 2) substituted (1.1.1994) for Sch. 1 (with appendix) by [S.I. 1993/1956](#), para. 2, [Sch.1](#).
Sch. 1 (except rule 29.10) excluded (1.4.1997) by [S.I. 1997/291](#), [rule 3.24](#), Sch. 3
Sch. 1 extended (14.2.2000) by [S.I. 2000/124](#), [reg. 30\(5\)](#)

[^{F1}INITIATION AND PROGRESS OF CAUSES]

CHAPTER 3

COMMENCEMENT OF CAUSES

Form of initial writ

- 3.1. [^{F1}(1) A cause shall be commenced—
- (a) in the case of an ordinary cause, by initial writ in Form G1; or
 - (b) in the case of a commercial action within the meaning of Chapter 40, by initial writ in Form G1A.]
- (2) The initial writ shall be written, typed or printed on A4 size paper of durable quality and shall not be backed or folded.
- (3) Where the pursuer has reason to believe that an [^{F2}agreement] exists prorogating jurisdiction over the subject-matter of the cause to another court, the [^{F3}initial] writ shall contain details of that agreement.
- (4) Where the pursuer has reason to believe that proceedings are pending before another court involving the same cause of action and between the same parties as those named in the instance of the initial writ, the [^{F3}initial] writ shall contain details of those proceedings.
- (5) An article of condescence shall be included in the [^{F3}initial] writ averring—
- (a) the ground of jurisdiction; and
 - (b) the facts upon which the ground of jurisdiction is based.
- (6) Where the residence, registered office or place of business, as the case may be, of the defender is not known and cannot reasonably be ascertained, the pursuer shall set out in the instance that the whereabouts of the defender are not known and aver in the condescence what steps have been taken to ascertain his present whereabouts.

Status: Point in time view as at 29/01/2007.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (7) The initial writ shall be signed by the pursuer or his solicitor (if any) and the name and address of that solicitor shall be stated on the back of every service copy of that writ.

.....

Textual Amendments

- F1** Rule 3.1(1)(a)(b) substituted for rule 3.1(1) (1.3.2001) by S.S.I. 2001/8, **para. 2(1)(2)**
F2 Word in rule 3.1(3) substituted (1.1.1996) by S.I. 1996/2445, **para. 3(2)(a)(i)**
F3 Word in rule 3.1(3)-(5) substituted (1.11.1996) by S.I. 1996/2445, **para. 3(2)(a)(ii)(b)(c)**

Status:

Point in time view as at 29/01/2007.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations.