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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 648**

**Act of Sederunt (Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Miscellaneous) 2005**

**Amendment of Small Claim Rules**

**5.—(1)** The Act of Sederunt (Small Claim Rules) 2002<sup>(1)</sup> is amended in accordance with subparagraphs (2) and (3).

(2) For rule 21.6(1) (expenses) there shall be substituted—

“**21.6.—(1)** This rule applies, subject to section 36B of the 1971 Act<sup>(2)</sup>, to the determination of expenses—

(a) in a claim, where the defender has—

(i) not stated a defence;

(ii) having stated a defence, has not proceeded with it; or

(iii) having stated a defence, has not acted in good faith as to its merits;

(b) in a claim where there has been unreasonable conduct on the part of a party to that claim in relation to the proceedings or the claim; or

(c) in an appeal to the sheriff principal.”

(3) In Appendix 1 for Form 15 substitute the form set out in Schedule 4 to this Act of Sederunt.

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<sup>(1)</sup> S.S.I. 2002/133, amended by S.S.I. 2003/26 and 2004/197.

<sup>(2)</sup> Section 36B of the Sheriff Courts (Scotland) Act 1971 was inserted by section 18(2) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73) and amended by article 2 of the Schedule to S.I.1999/678.