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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 200**

**SHERIFF COURT**

**Act of Sederunt (Simple Procedure) 2016**

<i>Made</i>	- - - -	<i>9th June 2016</i>
<i>Laid before the Scottish</i>		
<i>Parliament</i>	- - - -	<i>13th June 2016</i>
<i>Coming into force</i>	- -	<i>28th November 2016</i>

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, taking into consideration the matters in section 75 of the Courts Reform (Scotland) Act 2014<sup>(2)</sup>, 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 section 14(7) of the Scottish Commission for Human Rights Act 2006<sup>(3)</sup>, section 104(1) of the Courts Reform (Scotland) Act 2014<sup>(4)</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 (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.

**The Simple Procedure Rules**

2.—(1) Schedule 1 contains rules for simple procedure cases and may be cited as the Simple Procedure Rules.

- (2) A form referred to in the Simple Procedure Rules means—
  - (a) the form with that name in Schedule 2, or
  - (b) an electronic version of the form with that name in Schedule 2, adapted for use by the Scottish Courts and Tribunals Service with the portal on its website.

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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) [2006 asp 16](#). Section 14 was amended by [S.S.I. 2013/211](#).  
(4) [2014 asp 18](#).

(3) Where the Simple Procedure Rules require a form to be used, that form may be varied where the circumstances require it.

### **Interpretation of the Simple Procedure Rules**

#### **3.—(1) In the Simple Procedure Rules—**

“a case where the expenses of a claim are capped” means a simple procedure case—

- (a) to which an order made under section 81(1) of the Courts Reform (Scotland) Act 2014<sup>(5)</sup> applies; or
- (b) in which the sheriff has made a direction under section 81(7) of that Act;

“a decision absolving the responding party” means a decree of absolvitor;

“a decision ordering the responding party to deliver something to the claimant” means a decree for delivery or for recovery of possession;

“a decision ordering the responding party to do something for the claimant” means a decree ad factum praestandum;

“advocate” means a practising member of the Faculty of Advocates;

“any time before the decision of the sheriff has been fully implemented” means, where a charge or arrestment has been executed, any time within 14 days of that execution (or, where there has been more than one, the first such execution);

“a person otherwise entitled to conduct proceedings in the sheriff court” means any person so entitled, including a member of a body which has made a successful application under section 25 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990<sup>(6)</sup>, but only to the extent that the member is exercising rights acquired by virtue of section 27 of that Act;

“a question of EU law” means a question which might lead to a reference to the Court of Justice of the European Union for—

- (a) a preliminary ruling under Article 267 of the Treaty on the Functioning of the European Union;
- (b) a ruling on the interpretation of the Conventions mentioned in Article 1 of Schedule 2 to the Civil Jurisdiction and Judgments Act 1982<sup>(7)</sup> under Article 3 of that Schedule; or
- (c) a preliminary ruling on the interpretation of the instruments mentioned in Article 1 of Schedule 3 to the Contracts (Applicable Law) Act 1990<sup>(8)</sup> under Article 2 of that Schedule;

“child’s property administration order” means an order under section 11(1) of the Children (Scotland) Act 1995<sup>(9)</sup>;

“Child Witness Notice” means a child witness notice under section 12(2) of the Vulnerable Witnesses (Scotland) Act 2004<sup>(10)</sup>;

“damages management order” means an order about how a sum of money awarded as damages is to be paid to and managed for a person under a legal disability;

“Equality Act 2010 claim” means a claim which, in Scotland, the sheriff has jurisdiction to determine as a result of section 114(1) of the Equality Act 2010<sup>(11)</sup>;

(5) 2014 asp 18.

(6) 1990 c. 40. Section 25 was amended by the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), schedule 5, paragraph 3(10) and by S.S.I. 2014/232.

(7) Schedule 2 was substituted by Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 2000 (S.I. 2000/1824).

(8) 1990 c. 36. Schedule 2 was amended by S.I. 2011/1043.

(9) 1995 c. 36.

(10) 2004 asp 3.

(11) 2010 c. 15.

“EU member state” means a state which is a member of the European Union, within the meaning of Part II of Schedule 1 to the European Communities Act 1972(12);

“Hague Convention country” means a country in respect of which the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters is in force, other than an EU member state(13);

“independent person” means a commissioner before whom evidence is taken in accordance with section 19 of the Vulnerable Witnesses (Scotland) Act 2004(14);

“next-day postal service which records delivery” means a postal service which—

- (a) seeks to deliver documents or other things by post no later than the next working day in all or the majority of cases; and
- (b) provides for the delivery of documents or other things by post to be recorded;

“order for time to pay” means—

- (a) a time to pay direction under section 1 of the Debtors (Scotland) Act 1987(15);
- (b) a time to pay order under section 5 of the Debtors (Scotland) Act 1987(16);
- (c) a time order under section 129 of the Consumer Credit Act 1974(17).

“ordinary cause” means an action under the Ordinary Cause Rules 1993(18);

“pause a case” means sist a case;

“postal service which records delivery” means a postal service which provides for the delivery of documents or other things by post to be recorded;

“provisional order” means a warrant for—

- (a) arrestment on the dependence or inhibition on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987(19); or
- (b) interim attachment under section 9A(1) of the Debt Arrangement and Attachment (Scotland) Act 2002(20);

“Provisional Orders Reconsideration Application” means an application under—

- (a) section 15K(2) or 15L(1) of the Debtors (Scotland) Act 1987(21); or
- (b) section 9M(2) or 9N(1) of the Debt Arrangement and Attachment (Scotland) Act 2002(22);

“provisional orders review hearing” means a hearing under—

- (a) section 15K(4) or 15L(3) of the Debtors (Scotland) Act 1987(23); or
- (b) section 9M(4) or 9N(3) of the Debt Arrangement and Attachment (Scotland) Act 2002(24);

(12) 1972 c. 68. Schedule 1 was relevantly amended by the European Union (Amendment) Act 2008 (c. 7), Schedule 1, Part 1, paragraph 1.

(13) See the status table at <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17>.

(14) 2004 asp 3.

(15) 1987 c. 18. Last amended by the Revenue Scotland and Tax Powers Act 2014 (asp 16), schedule 4, paragraph 1(2).

(16) 1987 c. 18. Last amended by the Revenue Scotland and Tax Powers Act 2014 (asp 16), schedule 4, paragraph 1(3).

(17) 1974 c. 39. Section 129 has been amended by the Debtors (Scotland) Act 1987 (c. 19), section 108(1), 109(3), Schedule 6, paragraph 17(a) and Schedule 7 paragraph 5, and by the Consumer Credit Act 2006 (c. 14), section 16(1).

(18) The Ordinary Cause Rules 1993 are in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c.51). Schedule 1 was substituted by S.I. 1993/1956 and was last amended by S.S.I. 2016/102.

(19) 1987 c. 18. Section 15A was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 169.

(20) 2002 asp 17. Section 9A was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 173.

(21) 1987 c. 18. Sections 15K and 15L were inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 169.

(22) 2002 asp 17. Sections 9M and 9N were inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 173.

(23) 1987 c. 18. Sections 15K and 15L were inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 169.

(24) 2002 asp 17. Sections 9M and 9N were inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 173.

“restart a case” means recall a sist;

“schedule of inhibition” means a schedule of inhibition in the form prescribed by regulation 3(1)(a) of and Schedule 1 to the Diligence (Scotland) Regulations 2009<sup>(25)</sup>;

“Service Regulation” means Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No. 1348/2000, as amended from time to time and as applied by the Agreement made on 19 October 2005 between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil and commercial matters;

“Sheriff Personal Injury Court” means the all-Scotland sheriff court sitting by virtue of the All-Scotland Sheriff Court (Sheriff Personal Injury Court) Order 2015<sup>(26)</sup>;

“Special Measures Review Application” means an application under section 13 of the Vulnerable Witness (Scotland) Act 2004<sup>(27)</sup>;

“solicitor” means a qualified solicitor under section 4 of the Solicitors (Scotland) Act 1980<sup>(28)</sup>;

“standard order” means one of the standard orders in Schedule 3;

“the principles of simple procedure” means the principles in rule 1.2;

“trading name” means the trading or descriptive name of a person, partnership, limited liability partnership or company;

“Vulnerable Witness Application” means a vulnerable witness application under section 12(6) of the Vulnerable Witnesses (Scotland) Act 2004<sup>(29)</sup>.

(2) In Part 2 of the Simple Procedure Rules, “other legislation” means any enactment which entitles a person to act as a lay representative in a simple procedure case.

(3) In Part 11 of the Simple Procedure Rules, “supporter” means a supporter within the meaning of section 22(1) of the Vulnerable Witnesses (Scotland) Act 2004<sup>(30)</sup>.

(4) In Part 17 of the Simple Procedure Rules, “initial writ”, “intimate”, “defences”, “options hearing” and “lodging” have the meaning they have in the Ordinary Cause Rules 1993<sup>(31)</sup>.

## Warrants

### 4.—(1) In the Simple Procedure Rules—

#### (a) a claim being registered—

(i) is warrant for the service of the Claim Form on the respondent;

(ii) is warrant for the citation of witnesses;

#### (b) a Response Form being registered is warrant for the citation of witnesses;

(c) a certified copy of a written order granting a provisional order is sufficient authority for execution of the diligence specified in the provisional order;

#### (d) in Part 11, a sheriff ordering a witness to be brought to court—

(25) S.S.I. 2009/68. Regulation 3 was amended by S.S.I. 2009/396.

(26) S.S.I. 2015/213.

(27) 2004 asp 3.

(28) 1980 c. 46.

(29) 2004 asp 3.

(30) 2004 asp 3.

(31) The Ordinary Cause Rules 1993 are in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c.51). Schedule 1 was substituted by S.I. 1993/1956 and was last amended by S.S.I. 2016/102.

- (i) is warrant for the apprehension of that witness and for having that witness brought to court,
  - (ii) that warrant is effective in all sheriffdoms without endorsement, and
  - (iii) the expenses of that warrant may be awarded against the witness.
- (2) In a claim for delivery in a simple procedure case, the court may—
  - (a) grant warrant to search for and take possession of goods and to open shut and lockfast places, and
  - (b) that warrant only applies to premises occupied by the respondent.

#### **Arrestment to found jurisdiction**

- 5.—**(1) This paragraph applies to a simple procedure case where the claimant has used an arrestment to found jurisdiction before the Claim Form is formally served on the respondent.
- (2) The service of the arrestment must be reported to the sheriff clerk as soon as possible.
  - (3) The arrestment ceases to have effect unless the Claim Form is formally served on the respondent within 21 days from the date of formal service of the arrestment.

Edinburgh  
9th June 2016

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

## SCHEDULE 1

Paragraph 2(1)

### The Simple Procedure Rules

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#### **Part 1 An overview of simple procedure**

- 1.1 *The simple procedure is a court process designed to provide a speedy, inexpensive and informal court way to resolve disputes.*
- 1.2 What are the principles of simple procedure?
- 1.3 Who takes part in a simple procedure case?
- 1.4 What are the sheriff's responsibilities?
- 1.5 What are parties' responsibilities?
- 1.6 What are representatives' responsibilities?
- 1.7 What are the sheriff clerk's responsibilities?
- 1.8 What are the sheriff's powers?

#### **Part 2 Representation and support**

- 2.1 *This Part is about who may represent a party, and what that representative may and may not do.*

*This Part is also about who may provide support to a party in the courtroom, and what that courtroom supporter may and may not do.*

##### *Representation*

- 2.2 Who can be a representative?
- 2.3 What can a representative do?
- 2.4 Who is entitled by these Rules to be a lay representative?

##### *Support*

- 2.5 Who can be a courtroom supporter?
- 2.6 What can a courtroom supporter do?

#### **Part 3 How to make a claim**

- 3.1 *This Part is about how the claimant makes a claim and what the court will do with that claim.*
- 3.2 How is a claim made?
- 3.3 How do you complete a Claim Form?
- 3.4 What if there is more than one claimant?
- 3.5 What if there are more than two respondents?
- 3.6 What if the respondent uses a trading name?
- 3.7 What do you do with a completed Claim Form?
- 3.8 How do you ask for provisional orders to be made?
- 3.9 What will the court do with the Claim Form?
- 3.10 What happens next?
- 3.11 What is the last date for service?

3.12 What is the last date for a response?

3.13 How can the timetable be changed?

#### **Part 4 How to respond to a claim**

4.1 *This Part is about how the respondent responds to a claim and what the court will do with that response.*

4.2 How do you respond to a claim?

4.3 What responses can you make?

4.4 What has to go in the Response Form?

4.5 What will the court do with the Response Form?

#### **Part 5 How to ask for time to pay**

5.1 *This Part is about how the respondent may ask for time to pay if a claim for payment of a sum of money is admitted, and how the claimant can consent or object to that.*

5.2 What is an order for time to pay?

5.3 How can a respondent ask for time to pay?

5.4 What will the court do with a Time to Pay Application?

5.5 How can the claimant consent to a Time to Pay Application?

5.6 How can the claimant object to a Time to Pay Application?

5.7 What if the claimant does not consent or object to a Time to Pay Application?

#### **Part 6 Sending and formal service**

6.1 *This Part is about what has to be done when these Rules require something to be sent to someone.*

*This Part is also about what has to be done when these Rules require a document to be formally served on someone.*

6.2 What is the difference between sending and formally serving?

6.3 When must something be sent or formally served?

6.4 Can a party object to how sending or formal service was done?

##### *Sending*

6.5 How can the court send something to a party?

6.6 How can a party send something to the court?

6.7 How can a party send something to another party?

##### *Formal service*

6.8 How can you formally serve a document on someone living within Scotland?

6.9 How can you formally serve a document on someone living outside Scotland?

6.10 What if a person uses a trading name?

6.11 How can the Claim Form be formally served on the respondent?

6.12 What if the claimant does not know the respondent's address?

- 6.13 What if the sheriff considers that formal service of the Claim Form has not been done properly?

**Part 7 What happens to a case**

- 7.1 *This Part is about what happens after a Response Form has been received and what happens if no Response Form is received.*

*Admitted claims*

- 7.2 What if parties settle the claim before the last date for a response?  
7.3 What if the respondent makes a Time to Pay Application?  
7.4 What if no Response Form is received by the court?

*Disputed claims*

- 7.5 What if the respondent disputes the claim?  
7.6 What will be in the first written orders?  
7.7 What is a case management discussion?  
7.8 What is a hearing?

**Part 8 Orders**

- 8.1 *This Part is about the orders which the sheriff can give to manage or decide a case.*  
8.2 What are orders?  
8.3 What are standard orders?  
8.4 What are unless orders?  
8.5 What if a party does not follow an order?

**Part 9 Applications**

- 9.1 *This Part is about applications which parties may make to the court to ask for things to be done in a case.*

*Pausing and restarting cases*

- 9.2 How can a party ask for the progress of a case to be paused?  
9.3 What happens if the progress of a case is paused?  
9.4 How can a party ask for a paused case to be restarted?  
9.5 What can the court do with a paused case?

*Miscellaneous applications*

- 9.6 How can a person become an additional respondent in a case?  
9.7 How can a party ask to amend the Claim Form or the Response Form?  
9.8 How can a claimant abandon a claim?  
9.9 What can happen if a party dies or becomes legally incapacitated?  
9.10 How can a party ask the sheriff to make any other orders?

**Part 10 Documents and other evidence**

- 10.1 *This Part is about how parties should lodge documents and other evidence with the court before a hearing.*



*This Part is also about how parties can apply for orders to recover documents from other people.*

*Lodging documents and other evidence*

- 10.2 How can you lodge documents and other evidence with the court?
- 10.3 What documents and other evidence can a party bring to a hearing?
- 10.4 How can other parties borrow or inspect documents and other evidence lodged with the court?
- 10.5 How long will the court keep documents and other evidence for?

*Orders to recover documents*

- 10.6 How can a party recover documents to lodge them with the court?
- 10.7 What happens when an order to recover documents is made?
- 10.8 What happens if the person who has the documents claims they are confidential?
- 10.9 What happens if a party does not believe that an order to recover documents has been complied with?
- 10.10 What happens when a special order to recover documents is made?
- 10.11 What happens if the person who has the documents claims they are confidential?

**Part 11 Witnesses**

- 11.1 *This Part is about the citation of witnesses and their attendance at hearings.*

*This Part is also about measures that the court can take to assist vulnerable witnesses in giving evidence.*

*The citation of witnesses*

- 11.2 How can a party arrange the attendance of witnesses at a hearing?
- 11.3 What if a witness does not appear at a hearing?

*Vulnerable witnesses*

- 11.4 How will the court treat a child witness?
- 11.5 How will the court treat other vulnerable witnesses?
- 11.6 What are special measures?
- 11.7 How can a party ask the court to review the arrangements for a child witness or a vulnerable witness?
- 11.8 What happens when evidence is to be given before an independent person?

**Part 12 The hearing**

- 12.1 *This Part is about the hearing at which the dispute between the parties should be resolved.*
- 12.2 What is the purpose of the hearing?
- 12.3 How will the dispute between the parties be resolved?
- 12.4 What will the sheriff do at the hearing?

12.5 What if a party does not come to the hearing?

12.6 How will evidence be given at the hearing?

### **Part 13 The decision**

13.1 *This Part is about the decisions which the sheriff can make to resolve a dispute.*

*This Part is also about the circumstances in which a party can apply to have a decision recalled.*

13.2 When must the sheriff make the decision?

13.3 How will the sheriff make the decision?

13.4 What sort of decisions can the sheriff make?

#### *Recalling a decision*

13.5 When can a decision of the sheriff be recalled?

13.6 How can a party apply to have a decision of the sheriff recalled?

13.7 What happens when a sheriff decides to recall a decision?

### **Part 14 Expenses**

14.1 *This Part is about the expenses of a claim which the sheriff can order a party to pay for.*

14.2 What orders about expenses can the sheriff make?

14.3 When will the sheriff make an order about expenses?

14.4 What if the sheriff does not make an order about expenses when deciding the claim?

14.5 What is an expenses hearing?

### **Part 15 How to enforce a decision**

15.1 *This Part is about the steps which a successful party must take to enforce a decision.*

15.2 When can a party enforce a decision?

15.3 How can a party enforce a decision?

15.4 What if the claimant does not know the respondent's address?

15.5 What if the respondent does not comply with a decision?

### **Part 16 How to appeal a decision**

16.1 *This Part is about how a party can appeal a decision and how the sheriff and Sheriff Appeal Court will deal with an appeal.*

16.2 How do you appeal a decision?

16.3 What will the sheriff do with an appeal?

16.4 What will the Sheriff Appeal Court do with an appeal?

### **Part 17 Miscellaneous matters**

17.1 This Part is about some miscellaneous matters which can arise during a case.

17.2 How can a case be transferred out of the simple procedure?

- 17.3 How can the sheriff make a reference to the Court of Justice of the European Union?
- 17.4 How can the Commission for Equality and Human Rights (“CEHR”) or the Scottish Commission for Human Rights (“SCHR”) intervene?
- 17.5 What can the CEHR or the SCHR do in an intervention?

*Management of damages*

- 17.6 When is a damages management order available?
- 17.7 When must the sheriff make a damages management order?
- 17.8 What can the sheriff do in a damages management order?
- 17.9 How can the damages management order be changed?
- 17.10 How can further instructions about managing the money be given?
- 17.11 When can someone apply for a child’s property administration order?
- 17.12 How can someone apply for a child’s property administration order?

*The Equality Act 2010*

- 17.13 What is an Equality Act 2010 claim?
- 17.14 How can the Commission for Equality and Human Rights (“the CEHR”) be notified of an Equality Act 2010 claim?
- 17.15 How can an Equality Act 2010 claim be transferred to the Employment Tribunal?
- 17.16 How can an Employment Tribunal case be transferred to simple procedure?
- 17.17 What if a question of national security arises in an Equality Act 2010 claim?

**Part 18 Formal service in Scotland**

- 18.1 *This Part is about how to formally serve a document on someone living in Scotland.*
- 18.2 How can you formally serve a document on someone who lives in Scotland?
- 18.3 What if service by post does not work?

**Part 19 Formal service outside Scotland**

- 19.1 *This Part is about how to formally serve a document on someone outside Scotland.*
- 19.2 How can you formally serve a document on someone who lives outside Scotland?
- 19.3 How can you formally serve a document on someone who lives in England and Wales, Northern Ireland, the Isle of Man or the Channel Islands?
- 19.4 How can you formally serve a document on someone who lives in an EU member state (including Denmark) under the Service Regulation?
- 19.5 How can you formally serve a document on someone who lives in a Hague Convention country (other than an EU member state)?
- 19.6 How can you formally serve a document on someone who lives in a country with which the United Kingdom has a convention about how to serve court documents?

- 19.7 How can you formally serve a document on someone who lives in any other country?

## **Part 20 Provisional orders**

- 20.1 *This Part is about provisional orders which protect or secure the claimant's position before the sheriff makes a final decision in a case.*
- 20.2 When can a claimant ask for provisional orders to be made?
- 20.3 What happens when the court receives a Provisional Orders Application?
- 20.4 How can the claimant tell the respondent or an interested party about a hearing?
- 20.5 How can you ask the court to reconsider provisional orders that it has made?
- 20.6 How can you ask the court to consider other applications about provisional orders?
- 20.7 How are provisional orders made effective?
- 20.8 How is an arrestment on the dependence made effective?
- 20.9 How is an inhibition on the dependence made effective if the claimant does not know the respondent's address?

## **Part 21 Glossary**

- 21.1 *This Part contains a guide for litigants, lay representatives and courtroom supporters to the meaning of certain legal words and expressions used in these rules.*

# **PART 1: An overview of simple procedure**

## **1.1 What is simple procedure?**

- (1) Simple procedure is a court process designed to provide a speedy, inexpensive and informal way to resolve disputes.

## **1.2 What are the principles of simple procedure?**

- (1) Cases are to be resolved as quickly as possible, at the least expense to parties and the courts.
- (2) The approach of the court to a case is to be as informal as is appropriate, taking into account the nature and complexity of the dispute.
- (3) Parties are to be treated even-handedly by the court.
- (4) Parties are to be encouraged to settle their disputes by negotiation or alternative dispute resolution, and should be able to do so throughout the progress of a case.
- (5) Parties should only have to come to court when it is necessary to do so to progress or resolve their dispute.

## **1.3 Who takes part in a simple procedure case?**

- (1) A simple procedure case involves a claim being made in the sheriff court.
- (2) The person who makes the claim is the claimant.
- (3) The person the claim is made against is the respondent.
- (4) The claimant and the respondents are the parties.

- (5) The case will be decided by the sheriff, who is in charge of the court.
- (6) The sheriff clerk provides administrative support to the sheriff.
- (7) A claim which is registered by the sheriff clerk is a simple procedure case.
- (8) Parties may represent themselves or have representatives.
- (9) Parties may be assisted by courtroom supporters.

#### **1.4 What are the sheriff's responsibilities?**

- (1) The sheriff must take into account the principles of simple procedure when managing cases and when interpreting these rules.
- (2) The sheriff must ensure that parties who are not represented, or parties who do not have legal representation, are not unfairly disadvantaged.
- (3) The sheriff must encourage cases to be resolved by negotiation or alternative dispute resolution, where possible.
- (4) If a case cannot be resolved by negotiation or alternative dispute resolution, the sheriff must decide the case.

#### **1.5 What are parties' responsibilities?**

- (1) Parties must respect the principles of simple procedure.
- (2) Parties must be honest with each other, with representatives and with the sheriff.
- (3) Parties must be respectful and courteous to each other, to representatives, to witnesses and to the sheriff.
- (4) Parties must not try to make a witness give misleading evidence.
- (5) Parties must consider throughout the progress of a case whether their dispute could be resolved by negotiation or alternative dispute resolution.
- (6) Parties must approach any negotiation or alternative dispute resolution with an open and constructive attitude.
- (7) Parties must follow the sheriff's orders.

#### **1.6 What are representatives' responsibilities?**

- (1) Representatives must respect the principles of simple procedure.
- (2) Representatives must be honest with each other, with parties and with the sheriff.
- (3) Representatives must be respectful and courteous to each other, to parties, to witnesses and to the sheriff.
- (4) Representatives must act in the best interests of the person being represented, and not allow any personal interest to influence their advice or actions.
- (5) Representatives must not knowingly make claims or arguments which have no factual or legal basis.
- (6) Representatives must maintain client confidentiality.
- (7) Representatives must not try to make a witness give misleading evidence.
- (8) Representatives must not act where they have a conflict of interest.
- (9) When appearing against a party who is not represented, or who is not legally represented, representatives must not take advantage of that party.

- (10) When appearing against a party who is not represented, or who is not legally represented, representatives must help the court to allow that person to argue a case fairly.

- (11) Representatives must follow the sheriff's orders.

#### **1.7 What are the sheriff clerk's responsibilities?**

- (1) The sheriff clerk must maintain a register of simple procedure cases.
- (2) The sheriff clerk must send the sheriff's written orders to the parties.

#### **1.8 What are the sheriff's powers?**

- (1) The sheriff may give orders to the parties, either in person or by giving written orders.
  - (2) The sheriff may do anything or give any order considered necessary to encourage negotiation or alternative dispute resolution between the parties.
  - (3) The sheriff may do anything or give any order considered necessary to decide the case.
  - (4) The sheriff may relieve a party from the consequences of failing to comply with any of the Simple Procedure Rules. When doing so, the sheriff may impose conditions or make orders about expenses.
  - (5) The sheriff may give orders which vary a deadline or period of time set out in the Simple Procedure Rules.
  - (6) The sheriff may make decisions about the form, location and conduct of a discussion in court, case management discussion or hearing. The sheriff must explain to parties why these decisions were made.
  - (7) The sheriff may combine separate cases, so that any discussion in court, case management discussion or hearing in the cases is held at the same time.
  - (8) The sheriff may continue any discussion in court, case management discussion or hearing to another day only if it is necessary to do so.
  - (9) The sheriff may pause and restart the progress of a case.
  - (10) The sheriff may decide a case without a hearing.
  - (11) If a claim, or part of a claim, obviously has no real prospect of success, the sheriff may dismiss the claim or that part of it at any time.
  - (12) If a claim, or part of claim, obviously will not succeed because it is incompetent, the sheriff may dismiss the claim or that part of it at any time.
  - (13) If a response, or part of a response, obviously will not succeed because it is incompetent, the sheriff may decide a case, or that part of it, at any time.
  - (14) The sheriff may make provisional orders or interim orders which protect or secure a claimant's position before a hearing.
  - (15) The sheriff may order an authenticated copy of any document to be treated as an original, where the original is lost or destroyed.
  - (16) The sheriff may transfer a simple procedure case to another court, whether in the same sheriffdom or not.
  - (17) If a claim should have been raised in a different sheriff court the sheriff must transfer the claim to a court in which the claim could have been raised, unless the sheriff is satisfied that there is a good reason not to.
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## PART 2: Representation and support

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### **2.1 What is this Part about?**

- (1) This Part is about who may represent a party, and what that representative may and may not do.
- (2) This Part is also about who may provide support to a party in the courtroom, and what that courtroom supporter may and may not do.

#### *Representation*

### **2.2 Who can be a representative?**

- (1) A party may be represented by a legal representative or a lay representative.
- (2) A legal representative is a person who is an advocate, a solicitor or a person otherwise entitled to conduct proceedings in the sheriff court.
- (3) A lay representative is a person who is not a legal representative but is entitled to be a lay representative, either by these Rules or by other legislation.

### **2.3 What can a representative do?**

- (1) A representative may do anything involved in the preparation or conduct of a case that a party can do.

### **2.4 Who is entitled by these Rules to be a lay representative?**

- (1) If a party wants to be represented by a lay representative throughout a case, then that lay representative must complete a Lay Representation Form and send it to the court when the Claim Form or the Response Form is sent to court.
- (2) If a party wants to be represented by a lay representative during a particular discussion or hearing only, then the lay representative must complete a Lay Representation Form and give it to the sheriff clerk in person at court at that discussion or hearing.
- (3) The sheriff may at any time order a person to stop acting as a lay representative if the sheriff considers that person unsuitable.
- (4) For the purposes of considering suitability, the sheriff may take into account any interest that person has in the case and whether that person has been declared a vexatious litigant.
- (5) A person is unsuitable to act as a lay representative if their behaviour does not respect the principles of simple procedure.
- (6) A person may only act as a lay representative if that person agrees not to receive any remuneration from the party, whether directly or indirectly, for acting as a lay representative. This rule does not apply where the party is a company, limited liability partnership or partnership.

#### *Support*

### **2.5 Who can be a courtroom supporter?**

- (1) A courtroom supporter is a person (for example, a family member, friend or colleague) who may accompany a party in court in order to provide quiet support, encouragement and advice during a hearing.
- (2) A party may ask the sheriff in court for permission for someone to be a courtroom supporter.

- (3) The sheriff may permit a person to act as a courtroom supporter only if that person agrees not to receive any remuneration from the party, whether directly or indirectly, for acting as a courtroom supporter.
- (4) If at any point the sheriff considers that a person is not suitable to act as a courtroom supporter, the sheriff may withdraw permission to act as a courtroom supporter.
- (5) A person is unsuitable to act as a courtroom supporter if their behaviour does not respect the principles of simple procedure.

## **2.6 What can a courtroom supporter do?**

- (1) A courtroom supporter may sit beside or behind the party in court.
  - (2) A courtroom supporter may provide moral support to the party.
  - (3) A courtroom supporter may help to manage the party's court documents and other papers.
  - (4) A courtroom supporter may take notes in court.
  - (5) A courtroom supporter may quietly advise the party on points of law and procedure, on issues the party might wish to raise with the sheriff or on questions the party might want to ask any witness.
  - (6) A courtroom supporter may be given any document or information connected to the case.
  - (7) However, if disclosure of that document or that information is prohibited or restricted in any way, then the courtroom supporter must respect that prohibition or restriction.
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# **PART 3: How to make a claim**

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## **3.1 What is this Part about?**

- (1) This Part is about how the claimant makes a claim and what the court will do with that claim.

## **3.2 How is a claim made?**

- (1) The process for making a claim is:
  - (a) the claimant completes a Claim Form (see rule 3.3),
  - (b) the claimant sends the Claim Form to the court (see rule 3.7),
  - (c) the sheriff clerk checks and registers the Claim Form (see rule 3.9),
  - (d) the sheriff clerk issues a timetable for the case (see rule 3.10), and
  - (e) the Claim Form is formally served on the respondent, either by the sheriff clerk, a solicitor or a sheriff officer (see Part 6).

## **3.3 How do you complete a Claim Form?**

- (1) The claimant must set out the following information in the Claim Form:
  - (a) the identity of the claimant, including the claimant's address and whether the claimant is an individual, a company or another type of organisation,
  - (b) the identity of the respondent, including the respondent's address (where known) and whether the respondent is an individual, a company or another type of organisation,
  - (c) the essential factual background to the dispute,



- (d) what the claimant wants from the respondent if the claim is successful,
  - (e) why the claim should succeed,
  - (f) what steps the claimant has already taken (if any) to try to resolve the dispute with the respondent.
- (2) The claimant must list in the Claim Form any documents or other evidence that the claimant thinks support the claim.
  - (3) The claimant must list in the Claim Form any witnesses (other than the claimant and the respondent) that the claimant thinks support the claim.

### **3.4 What if there is more than one claimant?**

- (1) If there is more than one claimant, the claimant must complete a Further Claimant Form for each further claimant.
- (2) The Further Claimant Form must identify the further claimant, including the further claimant's address and whether the further claimant is an individual, a company or another type of organisation.

### **3.5 What if there are more than two respondents?**

- (1) If there are more than two respondents, the claimant must set out the claim against all respondents in the Claim Form.
- (2) The claimant must also complete a Further Respondent Form for each further respondent.
- (3) The Further Respondent Form must identify the further respondent, including the further respondent's address (where known) and whether the further respondent is an individual, a company or another type of organisation.

### **3.6 What if the respondent uses a trading name?**

- (1) If the respondent uses a trading name, a claim may be made against them using that trading name.

### **3.7 What do you do with a completed Claim Form?**

- (1) The completed Claim Form must be sent to the sheriff court.
- (2) If the Claim Form has been completed on paper then two copies must be sent to the sheriff court.

### **3.8 How do you ask for provisional orders to be made?**

- (1) Provisional orders are orders which protect or secure the claimant's position before the sheriff makes a final decision in a case.
- (2) There are three types of provisional order:
  - (a) an arrestment on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987 (this is an order freezing the respondent's goods or money held by a third party),
  - (b) an inhibition on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987 (this is an order preventing the respondent from selling their home or other land, or taking out a secured loan), and
  - (c) an interim attachment under section 9A(1) of the Debt Arrangement and Attachment (Scotland) Act 2002 (this is an order preventing the respondent from selling or removing their goods).
- (3) Part 20 of these Rules is about how the claimant may apply for provisional orders.

### **3.9 What will the court do with the Claim Form?**

- (1) The sheriff clerk will check the Claim Form for problems which mean that it cannot be registered. Such problems might include:
  - (a) the Claim Form not being accompanied by the correct fee,
  - (b) the Claim Form being sent to the wrong sheriff court,
  - (c) the Claim Form asking for something that is not possible in simple procedure, such as making a claim for over £5,000,
  - (d) the Claim Form being incomplete.
- (2) If there are no such problems, the sheriff clerk must register the claim.
- (3) The sheriff clerk must ask for the approval of the sheriff before registering the claim if:
  - (a) the respondent's address is unknown,
  - (b) the claimant is seeking provisional orders or interim orders, or
  - (c) the sheriff clerk thinks that the claim requires the attention of the sheriff for some other reason.

### **3.10 What happens next?**

- (1) After registering a claim, the sheriff clerk must send the claimant a Timetable.
- (2) The Timetable must set out the timetable for the case, including:
  - (a) the last date for service, and
  - (b) the last date for a response.

### **3.11 What is the last date for service?**

- (1) The last date for service is the date by which the Claim Form must be formally served on the respondent.
- (2) This must normally be 3 weeks before the last date for a response.
- (3) If the respondent does not live in an EU member state, the last date for service must normally be 6 weeks before the last date for a response.
- (4) If the respondent is a business with no place of business in an EU member state, the last date for service must normally be 6 weeks before the last date for a response.

### **3.12 What is the last date for a response?**

- (1) The last date for a response is the date by which the respondent must send a Response Form to the court and to the claimant.

### **3.13 How can the timetable be changed?**

- (1) The sheriff may change the timetable at the request of the sheriff clerk or at the request of one of the parties.
  - (2) The claimant may request a change (if, for example, there has been a difficulty serving the Claim Form on the respondent) by sending the court a Change of Timetable Application.
  - (3) The respondent may request a change (if, for example, the Claim Form was formally served on them late) by sending the court a Change of Timetable Application.
  - (4) If the sheriff changes the timetable, the sheriff clerk must send a new Timetable to the claimant or to the parties.
-

## PART 4: How to respond to a claim

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### 4.1 What is this Part about?

- (1) This Part is about how the respondent responds to a claim and what the court will do with that response.

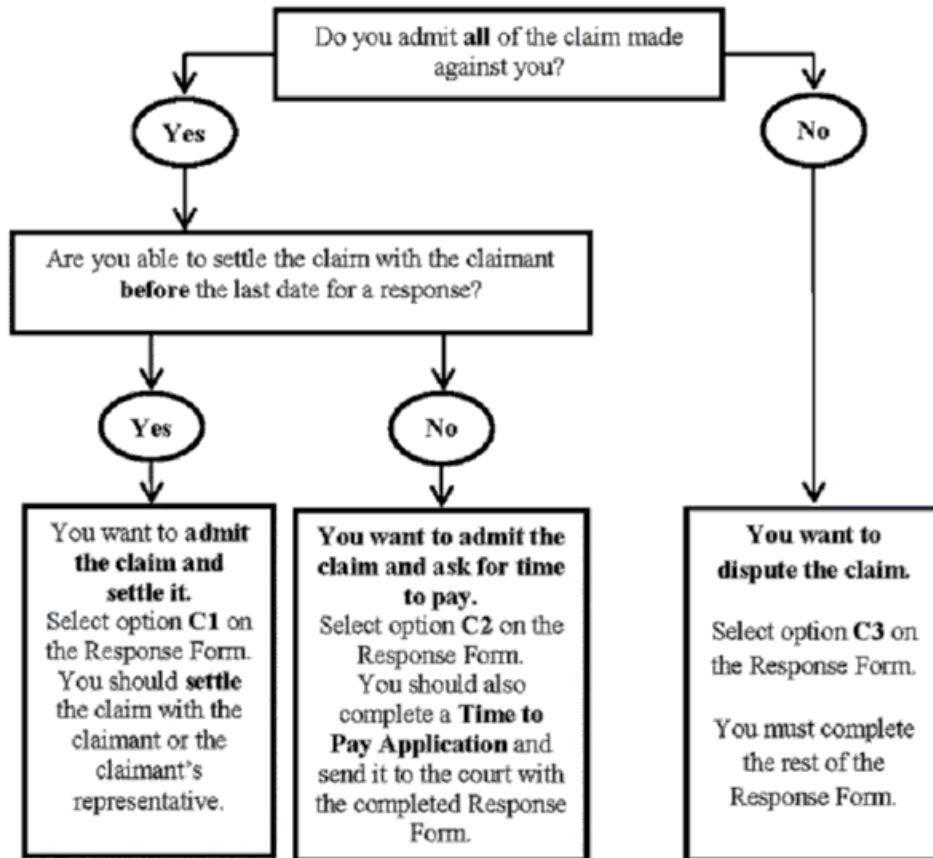
### 4.2 How do you respond to a claim?

- (1) The respondent must send a completed Response Form to the court by the last date for a response.
- (2) The respondent must also send a copy of the completed Response Form to the claimant by the last date for a response.

### 4.3 What responses can you make?

- (1) There are three ways in which the respondent may respond to the claim.
  - (2) The respondent may:
    - (a) admit the claim and settle it before the last date for a response,
    - (b) admit the claim and ask the court for time to pay (see Part 5), or
    - (c) dispute the claim or part of the claim (such as the amount the respondent should pay the claimant).
  - (3) This flow-chart sets out how the respondent may respond to a claim:
-

*Status: This is the original version (as it was originally made).*



#### 4.4 What has to go in the Response Form?

- (1) The respondent must set out in the Response Form the following information:
  - (a) which facts (if any) set out in the Claim Form that the respondent agrees with,
  - (b) which facts (if any) set out in the Claim Form that the respondent disagrees with and why,
  - (c) why the respondent thinks that the claimant should not get what was asked for in the Claim Form, or why the claimant should only get some of what was asked for in the Claim Form,
  - (d) what steps the respondent has already taken (if any) to try to resolve the dispute with the claimant.
- (2) The respondent must indicate in the Response Form if the respondent thinks that there should be any additional respondents.
- (3) The respondent must list in the Response Form any documents, files, or other evidence that the respondent thinks support the response.
- (4) The respondent must list in the Response Form any witnesses that the respondent thinks support the response.

#### 4.5 What will the court do with the Response Form?

- (1) When the court receives a Response Form, the sheriff clerk must register it.
  - (2) The sheriff clerk must then present the Claim Form, the Confirmation of Formal Service and the Response Form to the sheriff (see Part 7).
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## PART 5: How to ask for time to pay

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### **5.1 What is this Part about?**

- (1) This Part is about how the respondent may ask for time to pay if a claim for payment of a sum of money is admitted, and how the claimant can consent or object to that.

### **5.2 What is an order for time to pay?**

- (1) An order for time to pay is an order of the sheriff that the respondent must pay the claimant a sum of money in a particular way, such as by instalments or by a delayed payment.

### **5.3 How can a respondent ask for time to pay?**

- (1) The respondent may ask for time to pay in three ways:
  - (a) by completing a Time to Pay Application and sending it to court with the completed Response Form,
  - (b) by completing a Time to Pay Application and giving it to the sheriff clerk at a discussion in court, case management discussion or a hearing, or
  - (c) by completing a Time to Pay Application and sending it to court after the sheriff has made a decision.

### **5.4 What will the court do with a Time to Pay Application?**

- (1) If the respondent sends a Time to Pay Application to the court, the sheriff clerk must send a copy of it to the claimant along with a Time to Pay Notice.

### **5.5 How can the claimant consent to a Time to Pay Application?**

- (1) To consent to a Time to Pay Application, the claimant must indicate consent on the Time to Pay Notice and send it to the court within 2 weeks after the claimant is sent the Time to Pay Notice.
- (2) The sheriff may then grant the Time to Pay Application and decide the case.

### **5.6 How can the claimant object to a Time to Pay Application?**

- (1) To object to a Time to Pay Application, the claimant must indicate objection on the Time to Pay Notice and send it to the court within 2 weeks after the claimant is sent the Time to Pay Notice.
- (2) When the court receives an objection to a Time to Pay Application, the sheriff must give the parties order arranging a time to pay hearing.
- (3) At a time to pay hearing, the sheriff must decide the case and decide whether to grant or refuse the Time to Pay Application.

### **5.7 What if the claimant does not consent or object to a Time to Pay Application?**

- (1) If the claimant has not consented or objected to a Time to Pay Application within 2 weeks after the claimant is sent the Time to Pay Notice, the sheriff must decide the case (if the case has not yet been decided) and grant or refuse the Time to Pay Application.
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## PART 6: Sending and formal service

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### **6.1 What is this Part about?**

- (1) This Part is about what has to be done when these Rules require something to be sent to someone.
- (2) This Part is also about what has to be done when these Rules require a document to be formally served on someone.

### **6.2 What is the difference between sending and formally serving?**

- (1) When these Rules require something to be “sent”, that may be done by anyone and in a number of ways.
- (2) When these Rules require a document to be “formally served” on someone, that may only be done by certain people (sheriff officers, sheriff clerks or solicitors) and may only be done in certain ways.

### **6.3 When must something be sent or formally served?**

- (1) If these Rules say that something must be sent or formally served within a period or number of days, it must be sent or formally served in time for it to arrive before the end of that period or the last day.
- (2) If these Rules say that something must be sent or formally served by a particular day, it must be sent or formally served in time for it to arrive before the end of that day.
- (3) If these Rules say that something must be sent to court within a period, number of days or by a particular day and the end of that period or that day is a Saturday, Sunday, public holiday or court holiday, then it must be sent so that it will be received before the end of the next working day.

### **6.4 Can a party object to how sending or formal service was done?**

- (1) A party who responds to something (such as sending a Response Form in response to a Claim Form or objecting to an application) may not object to how that thing was sent or formally served.

#### *Sending*

### **6.5 How can the court send something to a party?**

- (1) The court may send something to a party in one of 4 ways:
  - (a) handing it to that party or to that party’s representative in person,
  - (b) posting it to that party or that party’s representative,
  - (c) emailing it to that party or that party’s representative, using an email address given on the Claim Form or Response Form,
  - (d) making it available to that party using the portal on the Scottish Courts and Tribunals Service website.

### **6.6 How can a party send something to the court?**

- (1) A party may send something to the court in one of three ways:
  - (a) handing it in to the court in person,
  - (b) posting it to the court using a postal service which records delivery,
  - (c) submitting it to the court using the portal on the Scottish Courts and Tribunals Service website.

### **6.7 How can a party send something to another party?**

- (1) A party may send something to another party in one of three ways:
  - (a) posting it to that party or that party's representative using a next-day postal service which records delivery,
  - (b) emailing it to that party or that party's representative, using an email address given on the Claim Form or Response Form,
  - (c) making it available to that party using the portal on the Scottish Courts and Tribunals Service website.

*Formal service*

**6.8 How can you formally serve a document on someone living within Scotland?**

- (1) Part 18 of these Rules is about formal service on someone living in Scotland.

**6.9 How can you formally serve a document on someone living outside Scotland?**

- (1) Part 19 of these Rules is about formal service on someone living outside Scotland.

**6.10 What if a person uses a trading name?**

- (1) If a person uses a trading name, a document may be formally served on that person at any place of business or office at which that business is carried on within the sheriffdom.
- (2) If that person does not have a place of business or office within the sheriffdom, a document may be formally served on that person at any place where that business is carried on (including the office of the clerk or secretary of a company, association or firm).

**6.11 How can the Claim Form be formally served on the respondent?**

- (1) As well as following the rules for formal service in Part 18 or Part 19, there are some additional requirements when formally serving the Claim Form.
- (2) The sheriff clerk may formally serve the Claim Form if:
  - (a) the claimant is not a company, limited liability partnership or partnership, and
  - (b) the claimant is not legally represented.
- (3) When formally serving a Claim Form, the envelope must contain only the following:
  - (a) a copy of the Claim Form,
  - (b) any Further Claimant Forms or Further Respondent Forms,
  - (c) a blank Response Form,
  - (d) a copy of the Notice of Claim,
  - (e) a copy of the Timetable,
  - (f) if the respondent can apply for time to pay, a blank Time to Pay Application, and
  - (g) any other document approved by the sheriff principal in that sheriffdom.
- (4) If a solicitor or sheriff officer has formally served the Claim Form, then a Confirmation of Formal Service must be sent to the court at least 2 days before the last date for a response.

**6.12 What if the claimant does not know the respondent's address?**

- (1) The claimant must take all reasonable steps to find out the respondent's address.
- (2) If the claimant does not know the respondent's address and cannot find it out, then the claimant does not need to formally serve a copy of the Claim Form on the respondent.

- (3) The claimant must instead complete a Service by Advertisement Application and send it to court with the Claim Form.
  - (4) The sheriff may order the details of the claim to be publicised by advertisement on the Scottish Courts and Tribunals Service website.
  - (5) The sheriff clerk must make a copy of the Claim Form available for the respondent to collect at the sheriff court.
  - (6) If the respondent's address becomes known, the sheriff must order:
    - (a) the Claim Form to be amended,
    - (b) the claimant to formally serve the Claim Form on the respondent,
    - (c) a change to the timetable.
- 6.13 What if the sheriff considers that formal service of the Claim Form has not been done properly?**
- (1) If the sheriff considers that formal service of the Claim Form was not done correctly, then the sheriff may change the timetable.
  - (2) If the sheriff changes the timetable, the sheriff clerk must send a new Timetable to the claimant or to the parties.
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## PART 7: What happens to a case

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### **7.1 What is this Part about?**

- (1) This Part is about what happens after a Response Form has been received and what happens if no Response Form is received.

#### *Admitted claims*

### **7.2 What if parties settle the claim before the last date for a response?**

- (1) If the Response Form indicates that the respondent admits the claim and will settle it before the last date for a response, then the sheriff does not have to send written orders to the parties.
- (2) If the claimant then sends an Application for a Decision to the court within 2 weeks from the last date for a response, the sheriff may do one of three things:
  - (a) dismiss the claim,
  - (b) make a decision awarding the claimant some or all of what was asked for in the Claim Form,
  - (c) if the sheriff considers that a decision cannot be made awarding the claimant some or all of what was asked for in the Claim Form, order the claimant to come to court to discuss the terms of the decision.
- (3) The claimant must, at the same time, send the court evidence that the Claim Form was formally served on the respondent.
- (4) If the claimant does not send an Application for a Decision to the court within 2 weeks from the last date for a response, the sheriff must dismiss the claim.

### **7.3 What if the respondent makes a Time to Pay Application?**

- (1) If the respondent admits the claim and asks for time to pay, then the sheriff does not have to send written orders to the parties.



- (2) Part 5 of these Rules is about what happens when a Time to Pay Application is made.

**7.4 What if no Response Form is received by the court?**

- (1) If no Response Form has been received by the court by the last date for a response, then the sheriff does not have to send written orders to the parties.
- (2) If the claimant sends an Application for a Decision to the court within 2 weeks from the last date for a response, then the sheriff may make a decision awarding the claimant some or all of what was asked for in the Claim Form.
- (3) If the sheriff considers that a decision cannot be made awarding the claimant some or all of what was asked for in the Claim Form, then the sheriff may order the claimant to come to court to discuss the terms of the decision.
- (4) If the claimant does not send an Application for a Decision to the court within 2 weeks from the last date for a response, then the sheriff must dismiss the claim.

*Disputed claims*

**7.5 What if the respondent disputes the claim?**

- (1) If the respondent disputes the claim, the sheriff must consider the case in private.
- (2) The sheriff must then send the parties the first written orders within 2 weeks from the date the court received the Response Form.
- (3) If the Response Form indicates that the respondent thinks that there should be additional respondents, then the sheriff does not have to send first written orders to the parties.
- (4) Instead, the sheriff may order that the Claim Form and Response Form should be formally served on those persons by the respondent before the sheriff issues the first written orders.

**7.6 What will be in the first written orders?**

- (1) The first written orders may do any of 5 things:
  - (a) refer parties to alternative dispute resolution,
  - (b) arrange a case management discussion,
  - (c) arrange a hearing,
  - (d) if the sheriff thinks that a decision could be made without a hearing, indicate that the sheriff is considering doing so,
  - (e) use the sheriff's powers to dismiss a claim or decide a case under rule 1.8(11), (12) and (13).

**7.7 What is a case management discussion?**

- (1) A case management discussion may take place in a courtroom, by videoconference, conference call, or in any other form or location ordered by the sheriff.
- (2) The purpose of a case management discussion is so that the sheriff may:
  - (a) discuss the claim and response with the parties and clarify any concerns the sheriff has,
  - (b) discuss negotiation and alternative dispute resolution with the parties,
  - (c) give the parties, in person, guidance and orders about the witnesses, documents and other evidence which they need to bring to a hearing,
  - (d) give the parties, in person, orders which arrange a hearing.

- (3) The sheriff may refer parties to alternative dispute resolution at a case management discussion.
- (4) The sheriff may do anything at a case management discussion that can be done at a hearing, including making a decision in a case or part of a case.

#### **7.8 What is a hearing?**

- (1) The purpose of a hearing is to help the sheriff to resolve the dispute between the parties.
  - (2) Part 12 of these Rules is about hearings.
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## **PART 8: Orders**

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### **8.1 What is this Part about?**

- (1) This Part is about the orders which the sheriff can give to manage or decide a case.

### **8.2 What are orders?**

- (1) Orders are the way that the sheriff uses the powers of the sheriff to manage or decide a case.
- (2) Orders may be given to the parties in writing, using the Order of the Sheriff Form.
- (3) Orders may be given to the parties in person at a hearing, case management discussion or discussion in court.
- (4) Written orders must be signed or authenticated electronically by either the sheriff or the sheriff clerk.

### **8.3 What are standard orders?**

- (1) There are standard orders which the sheriff may give in typical situations.
- (2) The sheriff may do one of three things:
  - (a) give parties a standard order,
  - (b) give parties an amended version of a standard order, or
  - (c) give parties an order customised to their case.

### **8.4 What are unless orders?**

- (1) The sheriff may give a party an order which states that unless that party does something or takes a step, then the sheriff will make a decision in the case, including:
  - (a) dismissing the claim,
  - (b) awarding the claimant some or all of what was asked for in the Claim Form.
- (2) If that party does not do the thing or take the step that the party was ordered to, then the decision in the case must be made.

### **8.5 What if a party does not follow an order?**

- (1) Where a party does not follow an order the sheriff may make a decision in the case, including:
    - (a) dismissing the claim or part of the claim,
    - (b) awarding the claimant some or all of what was asked for in the Claim Form.
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## PART 9: Applications

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### 9.1 What is this Part about?

- (1) This Part is about applications which parties may make to the court to ask for things to be done in a case.

#### *Pausing and restarting cases*

### 9.2 How can a party ask for the progress of a case to be paused?

- (1) A party may apply to have the progress of a case paused by sending the other party an Application to Pause.
- (2) That party must at the same time send the court a copy of the Application to Pause with evidence that it was sent to the other party (for example a postal receipt or a copy of an email).
- (3) The Application to Pause must set out why the progress of a case should be paused.
- (4) If the party who has been sent the Application to Pause objects to having the progress of the case paused, that party must send that Application to Pause to the court within 10 days of it being sent, setting out that objection.
- (5) After considering the Application to Pause, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and pause the progress of the case,
  - (b) refuse the application, and the progress of the case continues, or
  - (c) order both parties to appear at a discussion in court, where the sheriff will consider whether to pause the progress of the case.

### 9.3 What happens if the progress of a case is paused?

- (1) If the progress of a case is paused, then any discussions or hearings in the case are cancelled and the case will not progress until it is restarted.

### 9.4 How can a party ask for a paused case to be restarted?

- (1) A party may apply to have a paused case restarted by sending the other party an Application to Restart.
- (2) That party must at the same time send the court a copy of the Application to Restart with evidence that it was sent to the other party (for example a postal receipt or a copy of an email).
- (3) The Application to Restart must set out why the paused case should be restarted.
- (4) If the party who has been sent the Application to Restart objects to having the paused case restarted, that party must send that Application to Restart to the court within 10 days of it being sent, setting out that objection.
- (5) After considering the Application to Restart, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and restart the case,
  - (b) refuse the application, and the case continues to be paused, or
  - (c) order both parties to appear at a discussion in court, where the sheriff will consider whether to restart the case.

### 9.5 What can the court do with a paused case?

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- (1) The sheriff clerk must present to the sheriff a case which has been paused for 6 months or more.
- (2) The sheriff may then send the parties written orders that unless a party (or parties) does something or takes a step, then the sheriff will dismiss the claim.
- (3) If that party (or the parties) does not do the thing or take the step ordered, then the claim must be dismissed.

#### *Miscellaneous applications*

### **9.6 How can a person become an additional respondent in a case?**

- (1) A person who is not a respondent may apply to become a respondent in a case by sending an Additional Respondent Application to the court.
- (2) The Additional Respondent Application must set out why that person has an interest in becoming a respondent.
- (3) The Additional Respondent Application must have attached to it a draft Response Form.
- (4) The sheriff may grant the application without a discussion in court, but must order a discussion in court if considering refusing the application.
- (5) If ordering a discussion in court, the sheriff must also order the person wishing to become a respondent to formally serve a copy of the Additional Respondent Application, the draft Response Form and notice of the discussion on all parties.
- (6) If granting the application, the sheriff must give orders that allow the additional respondent to participate in the case as a respondent.

### **9.7 How can a party ask to amend the Claim Form or the Response Form?**

- (1) A claimant may apply to amend a Claim Form by sending the respondent an Application to Amend.
- (2) The claimant must at the same time send the court a copy of the Application to Amend with evidence that it was sent to the respondent (for example a postal receipt or a copy of an email).
- (3) A respondent may apply to amend a Response Form by sending the claimant an Application to Amend.
- (4) The respondent must at the same time send the court a copy of the Application to Amend with evidence that it was sent to the claimant (for example a postal receipt or a copy of an email).
- (5) The Application to Amend must set out why the form should be amended.
- (6) The Application to Amend must set out the proposed amendments.
- (7) If the party who has been sent the Application to Amend objects to the proposed amendments, that party must send that Application to Amend to the court within 10 days of it being sent, setting out that objection.
- (8) After considering the Application to Amend, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and allow the proposed amendments (or some of them),
  - (b) refuse the application, and not allow any amendment, or
  - (c) order both parties to appear at a discussion in court, where the sheriff will consider whether to allow the proposed amendments.

### **9.8 How can a claimant abandon a claim?**

- (1) A claimant may abandon a claim any time before the sheriff decides a case by sending an Abandonment Notice to the respondent.
- (2) That claimant must at the same time send the court a copy of the Abandonment Notice with evidence that it was sent to the respondent (for example a postal receipt or a copy of an email).
- (3) When the court receives the Abandonment Notice, the sheriff must give the parties written orders.
- (4) Those orders may dismiss the claim.
- (5) Those orders may do one of three further things:
  - (a) order that no expenses are to be awarded to any party,
  - (b) order that a sum of money is to be paid to a party or to a party's solicitor, as assessed by the sheriff clerk, or
  - (c) arrange an expenses hearing (see Part 15).

### **9.9 What can happen if a party dies or becomes legally incapacitated?**

- (1) If a party dies or becomes legally incapacitated before a sheriff decides a case, then a person who asserts a right to represent that party or that party's estate may apply to represent that party, by sending an Application to Represent to the other party.
- (2) That person must at the same time send the court a copy of the Application to Represent with evidence that it was sent to other parties (for example a postal receipt or a copy of an email).
- (3) If the party who has been sent the Application to Represent objects to the proposed representation, that party must send that Application to Represent to the court within 10 days of it being sent, setting out that objection.
- (4) After considering the Application to Represent, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and allow the person to represent that party,
  - (b) refuse the application, and not allow the person to represent that party, or
  - (c) order the parties and the person making the application to appear at a discussion in court, where the sheriff will consider whether to allow the person to represent that party.

### **9.10 How can a party ask the sheriff to make any other orders?**

- (1) A party may ask the sheriff to make any other orders by sending an Incidental Orders Application to the other party.
- (2) That party must at the same time send the court a copy of the Incidental Orders Application with evidence that it was sent to the other party (for example a postal receipt or a copy of an email).
- (3) If the party who has been sent the Incidental Orders Application objects to the proposed orders, that party must send that Incidental Orders Application to the court within 10 days of it being sent, setting out that objection.
- (4) After considering the Incidental Orders Application, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and send written orders to the parties,

- (b) refuse the application, and make no orders, or
  - (c) order the parties to appear at a discussion in court, where the sheriff will consider whether to make any orders.
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## PART 10: Documents and other evidence

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### **10.1 What is this Part about?**

- (1) This Part is about how parties should lodge documents and other evidence with the court before a hearing.
- (2) This Part is also about how parties can apply for orders to recover documents from other people.

#### *Lodging documents and other evidence*

### **10.2 How can you lodge documents and other evidence with the court?**

- (1) Parties must send each other and the court a List of Evidence Form at least 2 weeks before the hearing.
- (2) The List of Evidence Form must set out the documents and other evidence that they are lodging with the court.
- (3) All documents and other evidence must be lodged with the court at least 2 weeks before the hearing.
- (4) Documents and other evidence may be lodged with the court by sending them to the sheriff clerk.
- (5) If a party considers that there would be practical difficulties involved in sending evidence to the sheriff clerk, that party must contact the sheriff clerk.
- (6) In that situation, the sheriff clerk may give that party permission to lodge only a brief description of the evidence. The party must bring the evidence to any hearing.

### **10.3 What documents and other evidence can a party bring to a hearing?**

- (1) A party may bring to a hearing documents and other evidence which have not been lodged with the court.
- (2) The sheriff may refuse to consider these.

### **10.4 How can other parties borrow or inspect documents and other evidence lodged with the court?**

- (1) A solicitor, or the authorised assistant of a solicitor, may borrow any documents or other evidence which have been lodged with the court.
- (2) Any documents or other evidence borrowed must be returned to the court before midday (1200 hours) on the last day the court is open before the hearing.
- (3) A party who is not represented by a solicitor may, during normal business hours, inspect documents or other evidence at the sheriff clerk's office.
- (4) Where it is possible to do so, that party may take copies or photographs of documents or other evidence.

### **10.5 How long will the court keep documents and other evidence for?**

- (1) The court must keep the documents and other evidence for at least 4 weeks after the sheriff has made a decision.

- (2) If a party has appealed the sheriff's decision, the court must keep the documents and other evidence until that appeal has been decided.
- (3) Each party must collect the documents and other evidence which that party lodged within 2 weeks of the end of either the 4 week period or the appeal being decided, whichever is later.
- (4) If a party has not collected the documents and other evidence by the end of that 2 weeks, the sheriff clerk must send the party a warning that if the documents and other evidence is not collected within 2 weeks of the warning, then it will be destroyed or disposed of.
- (5) If the documents and other evidence are not collected by the end of that further 2 weeks, the sheriff must order it to be destroyed or disposed of.

*Orders to recover documents*

**10.6 How can a party recover documents to lodge them with the court?**

- (1) Where a party wants to lodge a document which they do not possess, the sheriff may make an order to recover a document from the person who possesses it.
- (2) A party may ask the sheriff to make an order to recover documents by sending a Recovery of Documents Application to the court and the other party.
- (3) A party may object to the proposed recovery of documents by returning that Recovery of Documents Application to the court within 10 days of it being sent, setting out that objection.
- (4) After considering the Recovery of Documents Application, and any objection that may have been sent, the sheriff may do one of 4 things:
  - (a) grant the application, and make an order to recover documents,
  - (b) grant the application in part, and make an order to recover documents,
  - (c) refuse the application,
  - (d) order the parties to appear at a discussion in court, where the sheriff will consider whether to make an order to recover documents.

**10.7 What happens when an order to recover documents is made?**

- (1) A party who has been granted an order to recover documents must formally serve it on the person who is named in the order.
- (2) When the sheriff clerk receives documents in response to an order to recover documents, the sheriff clerk must lodge them and send the parties a notice indicating that the documents have been received and lodged.

**10.8 What happens if the person who has the documents claims they are confidential?**

- (1) A person who has documents mentioned in an order to recover documents must tell the court if that person believes them to be confidential.
- (2) This is done by:
  - (a) sealing the confidential documents in an envelope, marked as confidential,
  - (b) completing the confidential documents part of the order to recover documents, and
  - (c) sending these to the court.
- (3) If the party who obtained the order to recover documents wishes to open the sealed envelope containing the confidential document, the party must send an Application to

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Open Confidential Document to the court, the other party and the person who sent the document to the court.

- (4) If a person who has been sent the Application to Open Confidential Document objects to the confidential document being seen by the parties, that party must send that Application to Open Confidential Document to the court within 10 days of it being sent, setting out that objection.
- (5) After considering the Application to Open Confidential Document, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and allow the sealed envelope containing the confidential document to be opened,
  - (b) refuse the application,
  - (c) order the parties and the person who sent the document to the court to appear at a discussion in court, where the sheriff will consider whether to allow the sealed envelope containing the confidential document to be opened.
- (6) When granting an application, the sheriff may order parts of the document to be redacted.

#### **10.9 What happens if a party does not believe that an order to recover documents has been complied with?**

- (1) The party who obtained the order to recover documents can ask the sheriff to make a special order to recover documents by sending a Special Recovery of Documents Application to the court and the other party.
- (2) If the party who has been sent the Special Recovery of Documents Application objects to the proposed recovery of documents, that party must send that Special Recovery of Documents Application to the court within 10 days of it being sent, setting out that objection.
- (3) After considering the Special Recovery of Documents Application, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and send a special order to recover documents to the parties,
  - (b) refuse the application,
  - (c) order the parties to appear at a discussion in court, where the sheriff will consider whether to make a special order to recover documents.

#### **10.10 What happens when a special order to recover documents is made?**

- (1) A special order to recover documents appoints a person to recover the documents mentioned in the order for the court. This person is called a commissioner.
- (2) The party who obtained the special order to recover documents must send it to the commissioner.
- (3) The commissioner must carry out the recovery of documents mentioned in the order.
- (4) When the sheriff clerk receives documents from the commissioner, the sheriff clerk must lodge them and send the parties a notice explaining that the documents have been received and lodged.

#### **10.11 What happens if the person who has the documents claims they are confidential?**

- (1) A person who has documents mentioned in a special order to recover documents must tell the court that the person believes them to be confidential



- (2) This is done by telling the commissioner why the document is considered to be confidential and giving the commissioner the confidential document in a sealed envelope.
  - (3) If the party who obtained the special order to recover documents wishes to open the sealed envelope containing the confidential document, the party must send an Application to Open Confidential Document to the court, the other party and the person who sent the document to the court.
  - (4) If anyone who has been sent the Application to Open Confidential Document objects to the confidential document being seen by the parties, that party must send that Application to Open Confidential Document to the court within 10 days of it being sent, setting out that objection.
  - (5) After considering the Application to Open Confidential Document, and any objection that may have been sent, the sheriff may do one of three things:
    - (a) grant the application, and allow the sealed envelope containing the confidential document to be opened,
    - (b) refuse the application,
    - (c) order the parties and the person who sent the document to the court to appear at a discussion in court, where the sheriff will consider whether to allow the sealed envelope containing the confidential document to be opened.
  - (6) When granting an application, the sheriff may order parts of the document to be redacted.
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## PART 11: Witnesses

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### 11.1 What is this Part about?

- (1) This Part is about the citation of witnesses and their attendance at hearings.
- (2) This Part is also about measures that the court can take to assist vulnerable witnesses in giving evidence.

#### *The citation of witnesses*

### 11.2 How can a party arrange the attendance of witnesses at a hearing?

- (1) Parties must send each other and the court a List of Witnesses Form at least 2 weeks before the hearing.
- (2) The List of Witnesses Form must set out the witnesses that they want to appear at a hearing.
- (3) A party only needs to cite a witness to appear at a hearing if the party is unable otherwise to arrange for that witness to appear.
- (4) A witness may be cited to appear at a hearing by formally serving on that witness a Witness Citation Notice.
- (5) The Witness Citation Notice must be formally served on the witness at least 3 weeks before the hearing.

### 11.3 What if a witness does not appear at a hearing?

- (1) If a witness is cited to appear at a hearing, the witness must appear at that hearing.
- (2) If a witness who has been cited does not appear at a hearing, the sheriff may order the witness to be brought to court.

- (3) The sheriff must not continue a hearing to another day solely because a witness did not appear.

#### *Vulnerable witnesses*

#### **11.4 How will the court treat a child witness?**

- (1) If a party cites (or intends to arrange the attendance of) a child as a witness, that party must send the court and the other party a Child Witness Notice.
- (2) A Child Witness Notice asks the sheriff to authorise the use of a special measure in taking the child witness's evidence, or to decide that the child witness is to give evidence without the benefit of any special measure.
- (3) Before the sheriff decides how to deal with the Child Witness Notice, the sheriff may order the parties to provide further information.
- (4) The sheriff may decide to make the orders requested in the Child Witness Notice with or without ordering a discussion in court.
- (5) Where the sheriff decides to have a discussion, the sheriff clerk must send the parties notice of when it will be held.
- (6) At the discussion, the sheriff must consider the Child Witness Notice and decide whether to authorise the use of a special measure in taking the child witness's evidence, or that the child witness is to give evidence without the benefit of any special measure.

#### **11.5 How will the court treat other vulnerable witnesses?**

- (1) If a party cites (or intends to arrange the attendance of) a witness who is not a child, but the party thinks that the witness is a vulnerable witness, that party may send the court and the other party a Vulnerable Witness Application.
- (2) A Vulnerable Witness Application asks the sheriff to decide whether the witness is a vulnerable witness. If the sheriff agrees, the sheriff may authorise the use of a special measure in taking the vulnerable witness's evidence.
- (3) Before the sheriff decides how to deal with the Vulnerable Witness Application, the sheriff may order the parties to provide further information.
- (4) The sheriff may decide to make the orders requested in the Vulnerable Witness Application with or without a discussion in court.
- (5) Where the sheriff decides to have a discussion, the sheriff clerk must send the parties notice of when it will be held.
- (6) At the discussion, the sheriff must consider the Vulnerable Witness Application and decide whether the witness is a vulnerable witness. If the sheriff agrees, the sheriff may authorise the use of a special measure in taking the vulnerable witness's evidence.

#### **11.6 What are special measures?**

- (1) Special measures are ways of taking the evidence of a child witness or a vulnerable witness.
- (2) The sheriff may authorise the use of any of these special measures:
  - (a) allowing that witness to give evidence before an independent person,
  - (b) allowing that witness to give evidence by live television link,
  - (c) allowing that witness to use a screen while giving evidence,
  - (d) allowing that witness to be supported by someone while giving evidence.

### **11.7 How can a party ask the court to review the arrangements for a child witness or a vulnerable witness?**

- (1) The party who sent a Child Witness Notice or Vulnerable Witness Application to the court may ask the sheriff to review the arrangements for the child witness or vulnerable witness to give evidence by sending the court and the other party a Special Measures Review Application.
- (2) A Special Measures Review Application asks the sheriff to vary or revoke the current arrangements for the child witness or vulnerable witness to give evidence.
- (3) When a Special Measures Review Application is received, the sheriff may do one of 4 things:
  - (a) add a new special measure,
  - (b) substitute a new special measure for an existing one,
  - (c) delete a special measure, or
  - (d) revoke the order authorising the use of special measures entirely.
- (4) Before the sheriff decides how to deal with the Special Measures Review Application, the sheriff may order the parties to provide further information.
- (5) The sheriff may decide to make the orders requested in the Special Measures Review Application with or without a discussion in court.
- (6) Where the sheriff decides to have a discussion, the sheriff clerk must send the parties notice of when it will be held.
- (7) At the discussion, the sheriff must consider the Special Measures Review Application and decide whether to vary or revoke the current arrangements for the child witness or vulnerable witness to give evidence.

### **11.8 What happens when evidence is to be given before an independent person?**

- (1) Where the sheriff authorises a child witness or a vulnerable witness to give evidence before an independent person, the hearing at which the evidence is taken is to be video recorded.
  - (2) A party may be present when a child witness or vulnerable witness gives evidence before an independent person only if the sheriff has given permission for this to happen.
  - (3) The independent person must send the video recording and any relevant documents from the hearing to the sheriff clerk.
  - (4) The sheriff clerk must send the parties a notice indicating that the video recording has been received.
  - (5) If any relevant documents or other evidence are also received, the sheriff clerk must send the parties notice of what they are and when they were received.
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## **PART 12: The hearing**

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### **12.1 What is this Part about?**

- (1) This Part is about the hearing at which the dispute between the parties should be resolved.

### **12.2 What is the purpose of the hearing?**

- (1) The purpose of the hearing is to help the sheriff to resolve the dispute between the parties.

### **12.3 How will the dispute between the parties be resolved?**

- (1) The sheriff may refer parties to alternative dispute resolution at a hearing.
- (2) If the sheriff thinks a negotiated settlement is possible, the sheriff must help the parties to negotiate a settlement to the dispute.
- (3) If no negotiated settlement is possible, the sheriff must resolve the dispute by deciding it at that hearing.
- (4) The sheriff may continue the hearing to another day without resolving the dispute only if it is necessary to do so.

#### **12.4 What will the sheriff do at the hearing?**

- (1) The sheriff must ask the parties about their attitudes to negotiation and alternative dispute resolution.
- (2) The sheriff must identify the factual basis and legal basis of the claim and the response to the claim.
- (3) The sheriff must identify the factual and legal matters genuinely in dispute between the parties.
- (4) The sheriff must take a note of the hearing. This note is for the sheriff's own purposes and must be kept until any appeal is no longer possible or until any appeal has been concluded.

#### **12.5 What if a party does not come to the hearing?**

- (1) If the claimant does not come to the hearing or is not represented at the hearing, the sheriff may dismiss the claim.
- (2) If the respondent does not come to the hearing or is not represented at the hearing, the sheriff may make a decision in the case at that hearing.
- (3) If neither party comes to the hearing and neither party is represented at the hearing, the sheriff must dismiss the claim.

#### **12.6 How will evidence be given at the hearing?**

- (1) Before evidence is heard, the sheriff must explain to the parties the way the sheriff has decided to consider evidence at the hearing.
  - (2) The sheriff may impose conditions on how evidence is presented or dealt with, including conditions on how witnesses are questioned or setting time limits on how long witnesses may be questioned.
  - (3) The sheriff may decide whether the evidence of a witness is to be taken on oath or affirmation or not.
  - (4) The sheriff may ask questions to the parties or to witnesses.
  - (5) The sheriff may inspect any evidence with the parties or their representatives present.
  - (6) The sheriff may inspect any place with the parties or their representatives present.
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## **PART 13: The decision**

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### **13.1 What is this Part about?**

- (1) This Part is about the decisions which the sheriff can make to resolve a dispute.
- (2) This Part is also about the circumstances in which a party can apply to have a decision recalled.

### **13.2 When must the sheriff make the decision?**

- (1) At the end of the hearing, the sheriff may either make a decision there and then, or may take time to consider before making a decision.
- (2) If the sheriff takes time to consider a decision, the decision must be made within 4 weeks from the date of the hearing.

### **13.3 How will the sheriff make the decision?**

- (1) If the sheriff makes a decision there and then, the sheriff must explain the reasons for that decision to the parties in person.
- (2) If the sheriff takes time to consider a decision, the sheriff must prepare a note of the reasons for the decision, and the sheriff clerk must send that note to the parties.
- (3) In every case, the sheriff must set out the decision in the case in a Decision Form.
- (4) The sheriff may correct any errors in a Decision Form before it is sent to a party.

### **13.4 What sort of decisions can the sheriff make?**

- (1) The sheriff may make any decision which resolves the dispute between the parties, including a decision which:
  - (a) orders the respondent to pay the claimant a sum of money,
  - (b) orders the respondent to deliver something to the claimant,
  - (c) orders the respondent to do something for the claimant,
  - (d) dismisses the claim (or part of the claim) made by the claimant,
  - (e) absolves the respondent of the claim (or part of the claim) made by the claimant.
- (2) A decision which absolves the respondent in a claim means that the claimant cannot make a claim about the same subject against the respondent again.

#### *Recalling a decision*

### **13.5 When can a decision of the sheriff be recalled?**

- (1) A party may apply to have a decision of the sheriff recalled in 6 situations:
  - (a) where the sheriff dismissed a claim or made a decision under rule 7.2(2), because the claimant did not send the court an Application for a Decision within 2 weeks from the last date for a response,
  - (b) where the sheriff made a decision under rule 7.4(2), because the respondent did not send the court a Response Form by the last date for a response,
  - (c) where the sheriff dismissed a claim under rule 7.4(4), because the claimant did not send the court an Application for a decision within 2 weeks from the last date for a response,
  - (d) where the sheriff dismissed a claim under rule 12.5(1), because the claimant did not attend the hearing,
  - (e) where the sheriff made a decision under rule 12.5(2), because the respondent did not attend the hearing, and
  - (f) where the sheriff dismissed a claim under rule 12.5(3), because neither party attended the hearing.

- (2) If the sheriff dismissed the claim, a party may only apply for recall within 2 weeks of the claim being dismissed.
- (3) If the sheriff made a decision (other than dismissal) in the case, a party may apply for recall at any time before the decision of the sheriff has been fully implemented.

### **13.6 How can a party apply to have a decision of the sheriff recalled?**

- (1) A party may apply to have a decision of the sheriff recalled by completing the Application to Recall and sending it to the other party.
- (2) That party must at the same time send the court a copy of the Application to Recall with evidence that it was sent to the other party (for example a postal receipt or a copy of an email).
- (3) If the sheriff made a decision following an Application for a Decision, the respondent must include a completed Response Form with the Application to Recall.
- (4) If the party who has been sent the Application to Recall objects to the recall, that party must send that Application to Recall to the court within 10 days of it being sent, setting out that objection.
- (5) After considering the Application to Recall, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and recall the decision,
  - (b) refuse the application, or
  - (c) order the parties to appear at a discussion in court, where the sheriff will consider whether to recall the decision.

### **13.7 What happens when a sheriff decides to recall a decision?**

- (1) If the sheriff recalls a decision then the sheriff must give each party orders setting out the next steps they are to take to allow the dispute to be resolved.

## **PART 14: Expenses**

### **14.1 What is this Part about?**

- (1) This Part is about the expenses of a claim which the sheriff can order a party to pay for.

### **14.2 What orders about expenses can the sheriff make?**

- (1) Once a claim has been resolved, the sheriff must make an order about expenses, such as:
  - (a) that no payments are to be made in respect of the expenses of any party,
  - (b) that a payment is to be made to a party or to a party's solicitor.
- (2) Expenses incurred by a party to do with a courtroom supporter may not be part of an order about expenses.

### **14.3 When will the sheriff make an order about expenses?**

- (1) In a case where the expenses of a claim are capped, the sheriff must make an order about expenses when deciding the claim.
- (2) In any other case, the sheriff must, if able to, make an order about expenses when deciding the claim.

- (3) If not able to make an order about expenses when deciding the claim, the sheriff may make an order about expenses after deciding the claim.

**14.4 What if the sheriff does not make an order about expenses when deciding the claim?**

- (1) If the sheriff makes an order about expenses after deciding the claim, then the sheriff must not set out the final decision in a case in a Decision Form until the order about expenses is made.
- (2) If the sheriff does not make an order about expenses when deciding the claim, the sheriff must give the parties written orders.
- (3) Those orders must arrange an expenses hearing.
- (4) Those orders may require a party to send an account of expenses to the court and to each other before the expenses hearing.
- (5) Those orders may then require the sheriff clerk to assess the level of expenses (if any) that should be awarded to a party and to send notice of that assessment to the parties before the expenses hearing.

**14.5 What is an expenses hearing?**

- (1) The purpose of an expenses hearing is to assess the level of expenses (if any) that should be awarded to a party.
  - (2) At the expenses hearing, the sheriff must make an order about expenses, such as:
    - (a) that no payments are to be made in respect of the expenses of any party,
    - (b) that a payment is to be made to a party or to a party's solicitor.
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## PART 15: How to enforce a decision

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**15.1 What is this Part about?**

- (1) This Part is about the steps which a successful party must take to enforce a decision.

**15.2 When can a party enforce a decision?**

- (1) After the Decision Form is sent, a party must wait 4 weeks before enforcing a decision.
- (2) A party must not enforce a decision if that decision is being appealed (see Part 16).
- (3) A party who is sent an Application to Recall must not enforce a decision until the sheriff has decided whether to recall the decision.
- (4) A party must not enforce a decision which has been recalled.

**15.3 How can a party enforce a decision?**

- (1) If a party uses a trading name, a decision which names the party using that trading name may be enforced against the party by that name.
- (2) Before enforcing a decision for payment of a sum of money, the successful party must formally serve a Charge on the other party.
- (3) The purpose of formally serving the Charge is to give the other party one last chance to pay the sum of money ordered by the court.
- (4) The Charge must demand payment:
  - (a) within 2 weeks if the other party is in the United Kingdom,

- (b) within 4 weeks if the other party is outside the United Kingdom,
- (c) within 4 weeks if the other party's address is unknown.
- (5) If the demand in the Charge is not complied with, then the successful party may instruct a sheriff officer to enforce the decision.

#### **15.4 What if the claimant does not know the respondent's address?**

- (1) Where the claimant is successful but does not know the respondent's address, the claimant must take all reasonable steps to find out the respondent's address.
- (2) If the claimant does not know the respondent's address, then instead of formally serving the Charge on the respondent, the claimant must formally serve it on the sheriff clerk in the sheriff court district where the respondent's last known address was.
- (3) The sheriff clerk must then publicise the Charge by advertising its details on the Scottish Courts and Tribunals Service website for 4 weeks.
- (5) After that 4 weeks, the sheriff clerk must certify on the Charge that the advertisement took place and send it to the sheriff officer who formally served it.
- (6) The claimant may then instruct a sheriff officer to enforce the decision.

#### **15.5 What if the respondent does not comply with a decision?**

- (1) A claimant may make an Alternative Decision Application where the respondent does not comply with a decision which:
  - (a) orders the respondent to deliver something to the claimant, or
  - (b) orders the respondent to do something for the claimant.
- (2) An Alternative Decision Application may only be made where the sheriff alternatively ordered the respondent to pay the claimant a sum of money.
- (3) The application is made by sending an Alternative Decision Application to the court.
- (4) After considering the Alternative Decision Application, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and order the respondent to pay the claimant a sum of money,
  - (b) refuse the application,
  - (c) order the claimant to appear at a discussion in court, where the sheriff will consider whether to make any orders.

## **PART 16: How to appeal a decision**

### **16.1 What is this Part about?**

- (1) This Part is about how a party can appeal a decision and how the sheriff and Sheriff Appeal Court will deal with an appeal.

### **16.2 How do you appeal a decision?**

- (1) A party may appeal a decision within 4 weeks from the Decision Form being sent.
- (2) A party may appeal a decision by sending a completed Appeal Form to the sheriff court.
- (3) That party must at the same time send a copy of the completed Appeal Form to the other party.



- (4) The Appeal Form must set out the legal points which the party making the appeal wants the Sheriff Appeal Court to answer.
- (5) A party may not appeal a decision if that party can apply to have that decision recalled (see Part 13).

### **16.3 What will the sheriff do with an appeal?**

- (1) The sheriff must prepare a draft Appeal Report within 4 weeks of the court receiving an Appeal Form.
- (2) The draft Appeal Report must set out the factual and legal basis for the decision which the sheriff came to.
- (3) The draft Appeal Report must set out legal questions for the Sheriff Appeal Court to answer.
- (4) The sheriff clerk must send the draft Appeal Report to all parties.
- (5) All parties may, within 2 weeks of the draft Appeal Report being sent to them, send the sheriff a note of any other legal points they wish the Sheriff Appeal Court to answer and any factual points in the draft Appeal Report they disagree with.
- (6) The sheriff may order a discussion in court to consider whether amendments should be made to the Appeal Report.
- (7) The sheriff may then amend the Appeal Report.
- (8) The sheriff must then sign the Appeal Report.
- (9) The sheriff clerk must send a copy of the signed Appeal Report to each party.
- (10) The sheriff clerk must transmit the following to the Clerk of the Sheriff Appeal Court:
  - (a) the note of the reasons for the sheriff's decision (if one was prepared),
  - (b) a copy of the Decision Form,
  - (c) all written orders,
  - (d) the signed Appeal Report, and
  - (e) any note sent to the court by a party.

### **16.4 What will the Sheriff Appeal Court do with an appeal?**

- (1) The Clerk of the Sheriff Appeal Court must, within 2 weeks of receiving the signed Appeal Report, arrange an appeal hearing and send all parties notice of where and when the appeal hearing is to be held.
- (2) Unless the Sheriff Appeal Court orders otherwise, an appeal hearing must be before one Appeal Sheriff.
- (3) At the end of the appeal hearing, the Sheriff Appeal Court may either make a decision there and then, or may take time to consider the decision.
- (4) If the Sheriff Appeal Court takes time to consider the decision, the decision must be made within 4 weeks from the date of the appeal hearing.
- (5) If the Sheriff Appeal Court makes a decision there and then, it must explain the reasons for that decision to the parties in person.
- (6) If the Sheriff Appeal Court takes time to consider a decision, the court must prepare a note of the reasons for the decision, and the Clerk of the Sheriff Appeal Court must send that note to the parties.

- (7) The Sheriff Appeal Court may alter the decision which the sheriff made by either amending the Decision Form or issuing a new Decision Form.
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## PART 17: Miscellaneous matters

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### **17.1 What is this Part about?**

- (1) This Part is about some miscellaneous matters which can arise during a case.

### **17.2 How can a case be transferred out of the simple procedure?**

- (1) Where a sheriff orders that a case should no longer proceed subject to these rules, that order must identify the procedure under which the case is to continue.
- (2) If the sheriff orders that the case should proceed as an ordinary cause, the sheriff must also order three things:
- (a) that the claimant must lodge an initial writ and intimate it to every other party within 2 weeks from the date of the order,
  - (b) that the respondent must lodge defences within 4 weeks from the date of the order, and
  - (c) that an options hearing is to be held on the first suitable court day occurring not sooner than 10 weeks (or such lesser period as the sheriff considers appropriate) after the last date for lodging the initial writ.
- (3) If the sheriff orders that the case should proceed as an ordinary cause the sheriff may also certify in the order that the importance or difficulty of the proceedings makes it appropriate to transfer the case to the Sheriff Personal Injury Court.

### **17.3 How can the sheriff make a reference to the Court of Justice of the European Union?**

- (1) If a question of EU law arises in a case, the sheriff may refer that question to the Court of Justice of the European Union using the CJEU Reference Form.
- (2) The sheriff may decide to do this when asked to by a party, or without being asked.
- (3) The sheriff must draft the reference within 4 weeks of deciding to do so.
- (4) Once a reference has been drafted, the sheriff clerk must send a copy to the parties.
- (5) Once the draft reference has been sent to the parties, each party has 4 weeks to send suggested amendments of that reference to the sheriff.
- (6) Once that 4 weeks has passed, the sheriff has 2 weeks to consider any suggested amendments.
- (7) At the end of that period of 2 weeks, the sheriff must finalise and sign the reference.
- (8) The sheriff clerk must transmit the reference to the Court of Justice of the European Union and inform parties that the reference has been made.

### **17.4 How can the Commission for Equality and Human Rights (“CEHR”) or the Scottish Commission for Human Rights (“SCHR”) intervene?**

- (1) The CEHR and the SCHR may apply to the sheriff to intervene in a case by sending to the court and to the parties an Application to Intervene.
- (2) The Application to Intervene must set out the reasons for the proposed intervention, the issues which the intervention would address, and the reasons why the intervention would assist the sheriff.

- (3) The sheriff may grant the application with or without a discussion, but there must be a discussion if a party asks for one.
- (4) The sheriff may grant the Application to Intervene only if satisfied that:
  - (a) the case has a relevant connection to one of the functions of the CEHR or the SCHR,
  - (b) the intervention is likely to assist the sheriff, and
  - (c) the intervention will not unduly delay or otherwise prejudice the interests of the parties, including their liability for expenses.
- (5) The sheriff may impose conditions on the intervention.
- (6) The sheriff may invite the CEHR or SCHR to intervene in a simple procedure case by sending to the CEHR or SCHR and to all parties an Invitation to Intervene.
- (7) An Invitation to Intervene must be accompanied by a copy of the Claim Form and the Response Form, and any other documents relevant to the reasons for the proposed intervention.
- (8) The sheriff may impose conditions on an intervention when making an invitation.

#### **17.5 What can the CEHR or the SCHR do in an intervention?**

- (1) An intervention is a written submission of 5,000 words or less (including any appendices).
- (2) A copy of the intervention must be sent to all parties.
- (3) In exceptional circumstances, the sheriff may allow a longer written submission or an oral submission.

#### *Management of damages*

#### **17.6 When is a damages management order available?**

- (1) Damages management orders are available:
  - (a) where a claimant who is under a legal disability asks for the payment of a sum of money as damages,
  - (b) where another person makes a claim on behalf of a person who is under a legal disability asking for the payment of a sum of money as damages.
- (2) In either case, a damages management order is only available if the person who is under a legal disability is 16 years of age or older.

#### **17.7 When must the sheriff make a damages management order?**

- (1) The sheriff must make a damages management order if the sheriff orders the respondent to pay the claimant a sum of money as damages.
- (2) The sheriff must also make a damages management order if the claimant accepts an offer from the respondent to pay a sum of money as damages to settle the claim.

#### **17.8 What can the sheriff do in a damages management order?**

- (1) The sheriff must make an order about how the money is to be paid to and managed for the person under a legal disability.
- (2) The sheriff may order the money to be paid to different people to be managed for the benefit of the person under a legal disability.
- (3) The sheriff may order the money to be paid to:
  - (a) the Accountant of Court,

- (b) the sheriff clerk, or
- (c) the guardian of the person who is under a legal disability.
- (4) Alternatively, the sheriff may decide that the person under a legal disability is capable of managing the money and order that the money is paid directly to that person.
- (5) Where the sheriff orders the money to be paid to the sheriff clerk or a guardian, the sheriff may also tell that person how to manage the money for the benefit of the person under a legal disability.

**17.9 How can the damages management order be changed?**

- (1) An interested person can ask the sheriff to change the damages management order by sending an Application to Change a Damages Management Order to the court and every party.
- (2) If a person who has been sent the Application to Change a Damages Management Order objects to the proposed orders, that person must send that Application to Change a Damages Management Order to the court within 10 days of it being sent, setting out that objection.
- (3) After considering the Application to Change a Damages Management Order, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and send written orders to the parties and the interested person,
  - (b) refuse the application,
  - (c) order the parties and the interested person to appear at a discussion in court, where the sheriff will consider whether to make any orders.

**17.10 How can further instructions about managing the money be given?**

- (1) An interested person can also ask the sheriff to tell the sheriff clerk or a guardian how to manage the money by sending an Application for Instructions about a Damages Management Order to the court and every party.
- (2) If a guardian is managing the money, the Application for Instructions about a Damages Management Order must also be sent to the guardian.
- (3) If a person who has been sent the Application for Instructions about a Damages Management Order, objects to the proposed instructions, that person must send that Application for Instructions about a Damages Management Order to the court within 10 days of it being sent, with a note setting out that objection.
- (4) After considering the Application for Instructions about a Damages Management Order, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and send further instructions to the parties, the interested person and the sheriff clerk or guardian,
  - (b) refuse the application,
  - (c) order the parties, the interested person and the guardian (if there is one) to appear at a discussion in court, where the sheriff will consider whether to give further instructions.

**17.11 When can someone apply for a child's property administration order?**

- (1) A person may ask the sheriff to make a child's property administration order in any simple procedure case where the sheriff has made an order under section 13 of the Children

(Scotland) Act 1995 (section 13 is about the payment and management of money to (or for the benefit of) a child).

**17.12 How can someone apply for a child's property administration order?**

- (1) A person can ask the sheriff to make a child's property administration order by sending an Application for a Child's Property Administration Order to the court and every party.
- (2) If a person who has been sent the Application for a Child's Property Administration Order objects to the proposed orders, that person must send that Application for a Child's Property Administration Order to the court within 10 days of it being sent, setting out that objection.
- (3) After considering the Application for a Child's Property Administration Order, and any objection that may have been sent, the sheriff may do one of three things:
  - (a) grant the application, and send written orders to the parties and the applicant,
  - (b) refuse the application,
  - (c) order the parties and the applicant to appear at a discussion in court, where the sheriff will consider whether to make any orders.

*The Equality Act 2010*

**17.13 What is an Equality Act 2010 claim?**

- (1) An Equality Act 2010 claim is a claim made under section 114(1) of the Equality Act 2010 (section 114 is about claims related to the provision of services, the exercise of public functions, the disposal and management of premises, education (other than in relation to disability), and associations).

**17.14 How can the Commission for Equality and Human Rights ("the CEHR") be notified of an Equality Act 2010 claim?**

- (1) The claimant must send a copy of the Claim Form in an Equality Act 2010 claim to the CEHR.

**17.15 How can an Equality Act 2010 claim be transferred to the Employment Tribunal?**

- (1) The sheriff may order an Equality Act 2010 claim to be transferred to the Employment Tribunal.
- (2) The sheriff must state in that order the reasons for making it.
- (3) That order may include an order about expenses.
- (4) When the sheriff makes that order, the sheriff clerk must transmit, within one week of the order, the following things to the Employment Tribunal:
  - (a) the Claim Form,
  - (b) the Response Form,
  - (c) any written orders, and
  - (d) any other document the sheriff orders to be transmitted.

**17.16 How can an Employment Tribunal case be transferred to simple procedure?**

- (1) When proceedings are transferred to simple procedure from the Employment Tribunal under section 140(3) of the Equality Act 2010, the sheriff clerk must register those proceedings as a claim.
- (2) The sheriff must, within 2 weeks of the claim being registered, order a case management discussion.

**17.17 What if a question of national security arises in an Equality Act 2010 claim?**

- (1) Where the sheriff considers it expedient in the interests of national security, the sheriff may order any of the following persons to be excluded from any or all hearings, case management discussions or discussions in court of an Equality Act 2010 claim:
    - (a) the claimant,
    - (b) the claimant's representative,
    - (c) the claimant's courtroom supporter.
  - (2) That order may allow an excluded claimant or representative to send a written statement to the court before the case (or part of the case) from which they have been excluded.
  - (3) When the sheriff makes an order excluding persons, the sheriff clerk must send a copy of the order to the Advocate General for Scotland.
  - (4) Where the sheriff considers it expedient in the interests of national security, the sheriff may take any steps or make any order required to keep secret any or all of the reasons for the sheriff's decision in an Equality Act 2010 claim.
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## PART 18: Formal service in Scotland

### 18.1 What is this Part about?

- (1) This Part is about how to formally serve a document on someone living in Scotland.

### 18.2 How can you formally serve a document on someone who lives in Scotland?

- (1) When these Rules require a document to be formally served, the first attempt must be by a next-day postal service which records delivery.
- (2) That may only be done by one of three persons:
  - (a) the party's solicitor,
  - (b) a sheriff officer instructed by the party,
  - (c) the sheriff clerk (where provided for by rule 6.10(2)).
- (3) The envelope which contains the document must have the following label written or printed on it:

**THIS ENVELOPE CONTAINS A [NAME OF DOCUMENT] FROM  
[NAME OF SHERIFF COURT]  
IF DELIVERY CANNOT BE MADE, THE LETTER MUST BE  
RETURNED TO THE SHERIFF CLERK AT  
[FULL ADDRESS OF SHERIFF COURT]**

- (4) After formally serving a document, a Confirmation of Formal Service must be completed and any evidence of delivery attached to it.
- (5) Where a solicitor or sheriff officer has formally served the document, then the Confirmation of Formal Service must be sent to the sheriff court within one week of service taking place.

### 18.3 What if service by post does not work?

- (1) If service by post has not worked, a sheriff officer may formally serve a document in one of three ways:
  - (a) delivering it personally,
  - (b) leaving it in the hands of a resident at the person's home,
  - (c) leaving it in the hands of an employee at the person's place of business.
- (2) If none of those ways has worked, the sheriff officer must make diligent inquiries about the person's whereabouts and current residence, and may then formally serve the document in one of two ways:
  - (a) depositing it in the person's home or place of business by means of a letter box or other lawful way of doing so, or
  - (b) leaving it at the person's home or place of business in such a way that it is likely to come to the attention of that person.
- (3) If formal service is done in either of those ways, the sheriff officer must also do two more things:
  - (a) send a copy of the document to the person by post to the address at which the sheriff officer thinks the person is most likely to be found, and
  - (b) write or print on the envelope containing the document the following label:

<b>THIS ENVELOPE CONTAINS A [NAME OF DOCUMENT] FROM [NAME OF SHERIFF COURT]</b>
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## PART 19: Formal service outside Scotland

### 19.1 What is this Part about?

- (1) This Part is about how to formally serve a document on someone outside Scotland.

### 19.2 How can you formally serve a document on someone who lives outside Scotland?

- (1) Different rules apply depending on the country that the person lives in.
- (2) If the person lives in England and Wales, Northern Ireland, the Isle of Man or the Channel Islands, see rule 19.3.
- (3) If the person lives in an EU member state (including Denmark), see rule 19.4.
- (4) If the person lives in a Hague Convention country (other than an EU member state), see rule 19.5.
- (5) If the person lives in a country with which the United Kingdom has a convention about how to serve court documents (such as Algeria, Libya and the United Arab Emirates), see rule 19.6.
- (6) If none of the above applies, see rule 19.7.

### 19.3 How can you formally serve a document on someone who lives in England and Wales, Northern Ireland, the Isle of Man or the Channel Islands?

#### *Method*

- (1) There are two ways to formally serve a document on someone who lives in England and Wales, Northern Ireland, the Isle of Man or the Channel Islands.

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- (2) It may be done by posting the document to the person's home or business address using a postal service which records delivery. This is called postal service.
- (3) It may also be done by using the rules for personal service under the domestic law of the country where the document is to be served. This is called personal service.

*Who can formally serve the document?*

- (4) The sheriff clerk may formally serve a Claim Form on the respondent by postal service only if:
  - (a) the claimant is not a company or a partnership, and
  - (b) the claimant is not legally represented.
- (5) Otherwise, postal service may only be done by one of two persons:
  - (a) the party's solicitor,
  - (b) a sheriff officer instructed by the party.
- (6) Personal service may be done by a person who is authorised to do so under the domestic law of the country where the document is to be served.

*Additional requirements*

- (7) Where postal service is used, the envelope containing the document must have the following label printed or written on it:

**THIS ENVELOPE CONTAINS A [NAME OF DOCUMENT] FROM  
[NAME OF SHERIFF COURT], SCOTLAND  
IF DELIVERY CANNOT BE MADE, THE LETTER MUST BE  
RETURNED TO THE SHERIFF CLERK AT  
[FULL ADDRESS OF SHERIFF COURT]**

- (8) After formally serving a document, a Confirmation of Formal Service must be signed by the person who served it.
  - (9) If postal service has been used, any postal receipts must be attached to the Confirmation of Formal Service.
  - (10) If a solicitor or a sheriff officer has formally served a document, the Confirmation of Formal Service must be sent to the sheriff court within one week of service taking place.
- 19.4 How can you formally serve a document on someone who lives in an EU member state (including Denmark) under the Service Regulation?**

*Method*

- (1) There are up to 4 ways to formally serve a document on someone who lives in an EU member state (including Denmark) under the Service Regulation, depending on what the law of that member state permits.
- (2) It may be done by posting the document to the person's home or business address using a postal service which records delivery. This is called postal service.
- (3) It may be done by sending the document to a messenger-at-arms and asking them to arrange for it to be served. This is called service by transmitting agency.



- (4) It may be done by sending the document to a person who is entitled to serve court documents in that member state and asking them to arrange for it to be formally served. This is called direct service. This method can only be used if the law of the member state permits it.
- (5) It may be done by sending the document to the Secretary of State for Foreign and Commonwealth Affairs and asking the Secretary of State to arrange for it to be formally served by a British consular authority. This is called consular service. This method can always be used if the document is being served on a British national. Otherwise, it can only be used if the law of the member state permits it.

*Who can formally serve the document?*

- (6) The sheriff clerk may formally serve a Claim Form on the respondent by postal service only if:
  - (a) the claimant is not a company or a partnership, and
  - (b) the claimant is not legally represented.
- (7) Otherwise, postal service may only be done by one of two persons:
  - (a) the party's solicitor,
  - (b) a sheriff officer instructed by the party.
- (8) For the other methods of formal service, the party sends the document to the Secretary of State for Foreign and Commonwealth Affairs or a person who is entitled to serve court documents in the country where the Form or Notice is to be formally served. That person will make the necessary arrangements for formal service.

*Additional requirements*

- (9) Where a party chooses service by transmitting agency, the party must give the messenger-at-arms a translation of the document into a language which the recipient understands or an official language of the member state where the document is to be served.
- (10) After translating a document, the translator must sign a Translation Certificate and give it to the party who is formally serving the document.
- (11) Where postal service is used, the envelope containing the document must have the following label printed or written on it:

**THIS ENVELOPE CONTAINS A [NAME OF DOCUMENT] FROM  
[NAME OF SHERIFF COURT], SCOTLAND  
IF DELIVERY CANNOT BE MADE, THE LETTER MUST BE  
RETURNED TO THE SHERIFF CLERK AT  
[FULL ADDRESS OF SHERIFF COURT]**

- (12) That label must also be translated into an official language of the country where the document is to be served, unless English is an official language of that country.
- (13) After formally serving a document by postal service, a Confirmation of Formal Service must be signed by the person who formally served it.
- (14) Any postal receipts must be attached to the Confirmation of Formal Service.

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- (15) If a solicitor or a sheriff officer has used postal service, the Confirmation of Formal Service must be sent to the sheriff court within one week of formal service taking place.
- (16) If any other method of formal service was used, the party who requested service of the document must send the certificate that the party receives from the person who served the document to the sheriff court within one week of receiving it.
- (17) If the document was translated into another language, the Translation Certificate must be sent to the sheriff court with the Confirmation of Formal Service or the certificate from the person who served the document.

**19.5 How can you formally serve a document on someone who lives in a Hague Convention country (other than an EU member state)?**

*Method*

- (1) There are up to 4 ways to formally serve a document on someone who lives in a Hague Convention country, depending on what the law of that country permits.
- (2) It may be done by posting the document to the person's home or business address using a postal service which records delivery. This is called postal service. This method can only be used if the law of the country permits it.
- (3) It may be done by sending the document to the Scottish Ministers and asking them to arrange for it to be formally served. This is called service via central authority. This method can always be used.
- (4) It may be done by sending the document to the Secretary of State for Foreign and Commonwealth Affairs and asking the Secretary of State to arrange for it to be formally served by a British consular authority. This is called consular service. This method can always be used if the document is being formally served on a British national. Otherwise, it can only be used if the law of the country permits it.
- (5) It may be done by sending the document to a person who is entitled to serve court documents in that country and asking them to arrange for it to be formally served. This is called service by competent person. This method can only be used if the law of the country permits it.

*Who can formally serve the document?*

- (6) The sheriff clerk may formally serve a Claim Form on the respondent by postal service only if:
  - (a) the claimant is not a company or a partnership, and
  - (b) the claimant is not legally represented.
- (7) Otherwise, postal service may only be done by one of two persons:
  - (a) the party's solicitor,
  - (b) a sheriff officer instructed by the party.
- (8) For the other methods of formal service, the party sends the Form or Notice to the Scottish Ministers, the Secretary of State for Foreign and Commonwealth Affairs or a person who is entitled to serve court documents in the country where the Form or Notice is to be formally served. That person will make the necessary arrangements for formal service.

*Additional requirements*

- (9) Any document must be accompanied by a translation into an official language of the country where it is to be formally served, unless English is an official language of that country.
- (10) After translating a document, the translator must sign a Translation Certificate and give it to the party who is formally serving the Form or Notice.
- (11) Where postal service is used, the envelope containing the document must have the following label printed or written on it:

**THIS ENVELOPE CONTAINS A [NAME OF DOCUMENT] FROM  
[NAME OF SHERIFF COURT], SCOTLAND  
IF DELIVERY CANNOT BE MADE, THE LETTER MUST BE  
RETURNED TO THE SHERIFF CLERK AT  
[FULL ADDRESS OF SHERIFF COURT]**

- (12) That label must also be translated into an official language of the country where the Form or Notice is to be served, unless English is an official language of that country.
- (13) After formally serving a document by postal service, a Confirmation of Formal Service must be signed by the person who served it.
- (14) Any postal receipts must be attached to the Confirmation of Service.
- (15) If a solicitor or a sheriff officer has used postal service, the Confirmation of Formal Service must be sent to the sheriff court within one week of service taking place.
- (16) If any other method of formal service was used, the party who requested formal service of the document must send the certificate that the party receives from the person who formally served the document to the sheriff court within one week of receiving it.
- (17) If the document was translated into another language, the Translation Certificate must be sent to the sheriff court with the Confirmation of Formal Service or the certificate from the person who served the document.

**19.6 How can you formally serve a document on someone who lives in a country with which the United Kingdom has a convention about how to serve court documents?**

*Method*

- (1) The ways of formally serving a document on someone who lives in a country with which the United Kingdom has a convention about how to serve court documents depends on the convention between the United Kingdom and that country.
- (2) Accordingly, a document can be formally served in any way that is allowed in the convention between the United Kingdom and the country where it is to be served.

*Who can formally serve the document?*

- (3) A document can be formally served by a person who is authorised to do so by the convention between the United Kingdom and the country where it is to be served.

*Additional requirements*

- (4) Where the convention requires that a document must be accompanied by a translation into an official language of the country where it is to be served, the translator must sign a Translation Certificate and give it to the party who is serving the document.

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- (5) The party who requested formal service of the document must send the certificate that the party receives from the person who served the document to the sheriff court within one week of receiving it.
- (6) If the document was translated into another language, the Translation Certificate must be sent to the sheriff court with the certificate from the person who served the document.

#### **19.7 How can you formally serve a document on someone who lives in any other country?**

##### *Method*

- (1) There are two ways to formally serve a document on someone who lives in a country where none of the other rules apply.
- (2) It can be done by posting the document to the person's home or business address using a postal service which records delivery. This is called postal service.
- (3) It can also be done by using the rules for personal service under the domestic law of the country where the document is to be served. This is called personal service.

##### *Who can formally serve the document?*

- (4) The sheriff clerk may formally serve a Claim Form on the respondent by postal service only if:
  - (a) the claimant is not a company or a partnership, and
  - (b) the claimant is not legally represented.
- (5) Otherwise, postal service may only be done by one of two persons:
  - (a) the party's solicitor,
  - (b) a sheriff officer instructed by the party.
- (6) Personal service may be done by a person who is authorised to do so under the domestic law of the country where the document is to be served.

##### *Additional requirements*

- (7) Any document must be accompanied by a translation into an official language of the country where it is to be formally served, unless English is an official language of that country.
- (8) After translating a document, the translator must sign a Translation Certificate and give it to the party who is formally serving the Form or Notice.
- (9) Where postal service is used, the envelope containing the document must have the following label printed or written on it:

**THIS ENVELOPE CONTAINS A [NAME OF DOCUMENT] FROM  
[NAME OF SHERIFF COURT], SCOTLAND  
IF DELIVERY CANNOT BE MADE, THE LETTER MUST BE  
RETURNED TO THE SHERIFF CLERK AT  
[FULL ADDRESS OF SHERIFF COURT]**

- (10) That label must also be translated into an official language of the country where the document is to be served, unless English is an official language of that country.

- (11) After formally serving a document by postal service, a Confirmation of Formal Service must be signed by the person who served it.
- (12) Any postal receipts must be attached to the Confirmation of Formal Service.
- (13) If a solicitor or a sheriff officer has used postal service, the Confirmation of Formal Service must be sent to the sheriff court within one week of service taking place.
- (14) If any other method of formal service was used, the party who requested formal service of the document must send the certificate that the party receives from the person who formally served the document to the sheriff court within one week of receiving it.
- (15) If any other method of formal service was used, the party who requested formal service of the document must also send a Method of Service Abroad Certificate to the sheriff court with the certificate that the party receives from the person who served the document to the sheriff court within one one week of receiving it.
- (16) If the document was translated into another language, the Translation Certificate must be sent to the sheriff court with the Confirmation of Formal Service Notice or the certificate from the person who formally served the document.

## PART 20: Provisional orders

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### 20.1 What is this Part about?

- (1) This Part is about provisional orders which protect or secure the claimant's position before the sheriff makes a final decision in a case.

### 20.2 When can a claimant ask for provisional orders to be made?

- (1) The claimant may apply for provisional orders to be made by completing a Provisional Orders Application and sending it to the sheriff court with the Claim Form.
- (2) The claimant may also apply for provisional orders at any time before the sheriff makes a final decision in a case by completing a Provisional Orders Application and sending it to the sheriff court.
- (3) The claimant must also send the Provisional Orders Application to the respondent and any interested person, unless the claimant has asked the court to make the provisional orders without holding a provisional orders hearing.

### 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 make the provisional orders with or without holding a provisional orders hearing.
- (2) If the claimant has asked the court to make the provisional orders without holding a provisional orders hearing, the sheriff may do two things:
  - (a) grant the application and send the claimant written orders containing the provisional orders, or
  - (b) refuse to grant the application without a hearing and send the claimant notice of when and where the provisional orders hearing is to be held.
- (3) Where the sheriff grants the application, 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.

- (4) If the sheriff refuses to grant the application without a hearing, the sheriff must also order the complainant to send the respondent and any interested person notice of when and where the provisional orders hearing is to be held.

**20.4 How can the claimant tell the respondent or an interested party about a hearing?**

- (1) The claimant can tell the respondent or an interested party about any hearing under this Part by sending a Provisional Orders Hearing Notice to the respondent or interested party.

**20.5 How can you ask the court to reconsider provisional orders that it has made?**

- (1) The respondent can ask the sheriff to reconsider a provisional order by sending a Provisional Orders Reconsideration Application to the court, the claimant and any interested person.
- (2) An interested person can ask the sheriff to reconsider a provisional order by sending a Provisional Orders Reconsideration Application to the court, the claimant, the respondent and any other interested person.
- (3) When the court receives a Provisional Orders Reconsideration Application, the sheriff must order every person to whom the application was sent to appear at a provisional orders review hearing where the sheriff will consider whether to change the provisional order.
- (4) The sheriff may also order notice of the provisional orders review hearing to be given to any other person that the sheriff is satisfied has an interest.

**20.6 How can you ask the court to consider other applications about provisional orders?**

- (1) A party may make any other application mentioned in Part 1A of the Debtors (Scotland) Act 1987<sup>(32)</sup> or Part 1A of the Debt Arrangement and Attachment (Scotland) Act 2002<sup>(33)</sup> by sending an Incidental Orders Application to the court, the other party and any interested person.
- (2) An interested person may make any other application mentioned in Part 1A of the Debtors (Scotland) Act 1987 or Part 1A of the Debt Arrangement and Attachment (Scotland) Act 2002 by sending an Incidental Orders Application to the court, the parties and any other interested person.
- (3) When the court receives such an Incidental Orders Application, the sheriff must order every person to whom the application was sent to appear at a provisional orders discussion in court, where the sheriff will consider whether to make any orders.

**20.7 How are provisional orders made effective?**

- (1) The method for making a provisional order effective depends on the type of provisional order.
- (2) An arrestment on the dependence (see rule 3.8(2)(a)) is made effective in accordance with rule 20.6.
- (3) An inhibition on the dependence (see rule 3.8(2)(b)) is made effective in accordance with section 148(3)(b) of the Bankruptcy and Diligence (Scotland) Act 2007<sup>(34)</sup> and the Diligence (Scotland) Regulations 2009<sup>(35)</sup> (but see rule 20.9 if the respondent's address is not known).

<sup>(32)</sup> 1987 c. 18. Part 1A was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 169.

<sup>(33)</sup> 2002 asp 17. Part 1A was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 173.

<sup>(34)</sup> 2007 asp 3.

<sup>(35)</sup> S.S.I. 2009/68, as amended by S.S.I. 2009/396.

- (4) An interim attachment (see rule 3.8(2)(c)) is made effective in accordance with Chapter 1A of the Rules for Applications in the Sheriff Court under the Debt Arrangement and Attachment (Scotland) Act 2002<sup>(36)</sup>.

#### **20.8 How is an arrestment on the dependence made effective?**

- (1) An arrestment on the dependence is made effective by formally serving an Arrestment Notice on the person named in the provisional order who holds the respondent's goods or money.
- (2) An arrestment Notice must be formally served by a sheriff officer. The sheriff officer must use one of the methods of formal service mentioned in rule 18.3.
- (3) After formally serving an Arrestment Notice, the sheriff officer must complete a Confirmation of Formal Service of Arrestment Notice and send it to the sheriff court within one week of service taking place.

#### **20.9 How is an inhibition on the dependence made effective if the claimant does not know the respondent's address?**

- (1) If the claimant does not know the respondent's address, an inhibition on the dependence is made effective if the sheriff officer does two additional things:
  - (a) send the schedule of inhibition to the sheriff clerk of the sheriff court district where the respondent's last known address is located;
  - (b) send a copy of the schedule of inhibition by post to the respondent's last known address.

## **PART 21: Glossary**

### **21.1 What is this Part about?**

- (1) This Part contains a guide for litigants, lay representatives and courtroom supporters to the meaning of certain legal words and expressions used in these rules.

<b>Word or expression</b>	<b>Meaning</b>
<i>Additional respondent</i>	A person who is not named as a respondent by the claimant in the Claim Form but who enters the case later.
<i>Admitting a claim</i>	Where the respondent accepts the claim made by the claimant, including the things which the claimant wants from the respondent.
<i>Appeal</i>	Asking the Sheriff Appeal Court to reverse or vary the decision of a sheriff on a point of law.
<i>Application</i>	A way for a party to ask the court to do something by sending it and other parties a written application in a special form.
<i>Arrestment on the dependence</i>	An order freezing the respondent's funds or good held by a third party (typically money

<sup>(36)</sup> Those Rules are contained in Schedule 1 to the Act of Sederunt (Debt Arrangement and Attachment (Scotland) Act 2002) 2002.

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	held in a bank account), in advance of the sheriff making a decision in a case.
<i>Case management discussion</i>	An informal discussion of how a case is progressing, involving the sheriff and the parties.
<i>Cite a witness</i>	Demand that a witness attend a hearing by an officer of court formally serving a Witness Citation Notice.
<i>Claim</i>	The things which the claimant wants from the respondent.
<i>Claimant</i>	The person making a claim.
<i>Courtroom supporter</i>	A person who may accompany a party in court to provide moral support.
<i>Decision</i>	The final order which the sheriff makes about the merits of a case, setting out who has been successful.
<i>Discussion</i>	A discussion of a particular issue (such as an application), involving the sheriff and the parties, which may take place in court.
<i>Dismissing a claim</i>	An order by the sheriff ending the case without deciding which party has been successful.
<i>Expenses</i>	The contribution the court can order one party to make towards how much it costs another party to conduct a case.
<i>Formal service</i>	The formal process of sending a copy of a court document to a party or other person.
<i>Hearing</i>	An appearance by both parties in court at which witnesses and evidence can be considered and the sheriff will make a decision.
<i>Last date for a response</i>	The date by which the Respondent must send a Response Form to the court and to the claimant.
<i>Last date for service</i>	The date by which the Claim Form must be formally served on the respondent.
<i>Lay representative</i>	A representative who is not a lawyer.
<i>Legal representative</i>	A representative who is a lawyer.
<i>Lodge</i>	To deposit documents and other evidence to the sheriff clerk before a hearing, for their use at that hearing.



<i>Order</i>	A direction given by the sheriff to the parties telling them what they must do or what will happen next in a case.
<i>Party</i>	A person involved on one side of a simple procedure case – either a claimant or a respondent.
<i>Pause</i>	Temporarily suspend the progress of a case.
<i>Portal on the Scottish Courts and Tribunals Service website</i>	The portal for conducting a simple procedure case at <a href="http://www.scotcourts.gov.uk/">http://www.scotcourts.gov.uk/</a> .
<i>Principles of simple procedure</i>	The 5 principles listed in rule 1.2.
<i>Provisional order</i>	An order which protects or secures a claimant's position before a hearing, such as freezing a sum of money in the respondent's bank account.
<i>Recall</i>	An order cancelling a decision made by the sheriff.
<i>Representative</i>	A person who assists a party and speaks on their behalf in court, who may be either a legal representative or a lay representative.
<i>Respondent</i>	The person a claim is made against.
<i>Response</i>	The respondent's reasons why the claim should not be successful.
<i>Restart</i>	Resuming the progress of a paused case.
<i>Send</i>	Sending something in a way provided for in Part 6 of the rules.
<i>Sheriff</i>	The judge who will decide a simple procedure case.
<i>Sheriff clerk</i>	A court official who provides administrative support to the sheriff.
<i>Sheriff officer</i>	A court officer who may formally serve court documents.
<i>Simple procedure case</i>	A claim which is registered by the sheriff clerk.
<i>Timetable</i>	The dates by which the first two steps that the parties must take in a simple procedure case are to be completed – the last date for service and the last date for a response.
<i>Time to pay</i>	An order giving the respondent time to pay the claimant in instalments or in a deferred lump sum.
<i>Trading name</i>	A name under which a person, partnership or company carries out its business.

## SCHEDULE 2

Paragraph 2(2)

### Forms

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#### **PART 2**

2A. Lay Representation Form

#### **PART 3**

3A. Claim Form

3B. Further Claimant Form

3C. Further Respondent Form

3D. Timetable

3E. Change of Timetable Application

#### **PART 4**

4A. Response Form

#### **PART 5**

5A. Time to Pay Application

5B. Time to Pay Notice

#### **PART 6**

6A. Notice of Claim

6B. Service by Advertisement Application

6C. Confirmation of Formal Service

#### **PART 7**

7A. Application for a Decision

#### **PART 8**

8A. Order of the Sheriff

#### **PART 9**

9A. Application to Pause

9B. Application to Restart

9C. Additional Respondent Application

9D. Application to Amend

9E. Abandonment Notice

9F. Application to Represent

9G. Incidental Orders Application

#### **PART 10**

10A. List of Evidence Form

10B. Recovery of Documents Application

10C. Application to Open Confidential Document

10D. Special Recovery of Documents Application

**PART 11**

11A. List of Witnesses Form

11B. Witness Citation Notice

11C. Child Witness Notice

11D. Vulnerable Witness Application

11E. Special Measures Review Application

**PART 13**

13A. Decision Form

13B. Application to Recall

**PART 15**

15A. Charge to Pay

15B. Alternative Decision Application

**PART 16**

16A. Appeal Form

16B. Appeal Report

**PART 17**

17A. CJEU Reference Form

17B. Application to Intervene

17C. Invitation to Intervene

17D. Application to Change a Damages Management Order

17E. Application for Instructions about a Damages Management Order

17F. Application for a Child's Property Administration Order

**PART 19**

19A. Translation Certificate

19B. Method of Service Abroad Certificate

**PART 20**

20A. Provisional Orders Application

20B. Provisional Orders Hearing Notice

20C. Provisional Orders Reconsideration Application

20D. Arrestment Notice

20E. Confirmation of Formal Service of Arrestment Notice

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FORM 2A

## The Simple Procedure Lay Representation Form

This is the Lay Representation Form. You must complete it if you are acting as a lay representative in a simple procedure case.

Before completing this form, you should read Part 2 of the Simple Procedure Rules, which is about lay representation.

If you are representing a party throughout a simple procedure case, you must complete this form and send it to the court with the Claim Form or the Response Form.

Otherwise, if you are representing a person only during a particular discussion or hearing in a simple procedure case, you must complete this form and give it to the sheriff clerk in person at court.

If you are representing an individual, you must complete Parts A to C. If you are representing a company, limited liability partnership, partnership or unincorporated association, you must also complete Part D.

### A. ABOUT THE CASE

Sheriff Court	<input type="text"/>
Claimant	<input type="text"/>
Respondent	<input type="text"/>
Case reference number (if known)	<input type="text"/>

### B. ABOUT YOU

#### B1. What is your full name?

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

#### B2. Are you from an advice or advocacy organisation?

① A lay representative may be a family member or friend, may be someone from an advice or advocacy organisation, or may be someone else.

☐ Yes

☐ No

**B3. If you have answered 'Yes', which organisation are you from?**

Name of organisation

**B4. Are you representing a non-natural person?**

**(i)** A non-natural person is a company, limited liability partnership, partnership or unincorporated association.

**(i)** If you are representing a non-natural person, then as well as completing part C, you must also complete part D.

☐ Yes

☐ No

**C. DECLARATIONS**

**(i)** To comply with simple procedure rules, and so that the sheriff can decide if you are a suitable person to act as a lay representative, you must complete this section.

**(i)** Tick the box next to each declaration that applies to you and complete any sections that apply to you.

☐ I am authorised by the person to conduct these proceedings.

☐ I am not receiving and will not receive from the person I represent any remuneration, whether directly or indirectly, for acting as a lay representative.

☐ I accept that documents and information are provided to me by the parties on a confidential basis and I undertake to keep them confidential.

☐ I have not been declared a vexatious litigant under the Vexatious Litigants (Scotland) Act 1898.

☐ I was declared a vexatious litigant on:

[date]

☐ I have no financial interest in the outcome of this case.

☐ I have the following financial interest in the outcome of this case:

[explain]

**D. ADDITIONAL DECLARATIONS: REPRESENTING A NON-NATURAL PERSON**

**(i)** If you selected 'Yes' at B4, you must complete this Part, so that the sheriff can decide if you are a suitable person to act as a lay representative.

**Status:** This is the original version (as it was originally made).

① Tick the box next to each declaration that applies to you and complete any sections that apply to you.

- ☐ **The relevant position I hold with the non-natural person is:** [director / secretary of the company, a member of the limited liability partnership or partnership, or a member or office holder of the association]
- ☐ My responsibilities do not consist wholly or mainly of conducting legal proceedings on behalf of the non-natural person or another person.
- ☐ I do not have a personal interest in the subject matter of the proceedings.

Signature

Date



FORM 3A

## The Simple Procedure Claim 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**.

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 Claim Form** before beginning to complete it. There are guidance notes above each section of the form.

To make a claim using the Simple Procedure, you must **complete this Claim Form** and send it to the sheriff court to register your case. You should either complete the form yourself or, if you have someone assisting or representing you, you should complete the form with them.

### A. ABOUT YOU

- ① 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"/>
Company registration number (if limited company or LLP)	<input type="text"/>
Trading name (if any)	<input type="text"/>

**Status:** This is the original version (as it was originally made).

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

Address

City

Postcode

Email address

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

- ☐ By post
- ☐ Email


**B. ABOUT YOUR REPRESENTATION**

 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?**

 If a family member or friend, please give their full name. If someone from an advice or advocacy organisation, please also give the name of that organisation.

Name

Surname

Organisation / firm name

**B3. What is the address of your representative?**

 If your representative works for a solicitors' firm or an advocacy organisation, please give the address of that firm or organisation.


Address

City

Postcode

Email address

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

 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?**

☐ By post

☐ Online

**C. ABOUT THE RESPONDENT(S)**

① The person who you are making the claim against is called the respondent. In this part, you must fill in information about that person so that the court knows who they are and how to contact them.

① If there are more than two respondents, you must select 'more than two respondents' at C1 and complete a Further Respondent Form for each further respondent.

**C1. Is there one respondent, two respondents or more than two respondents?**

☐ One respondent

☐ Two respondents

☐ More than two respondents

**C2. Is the first respondent an individual, a company or an organisation?**

☐ An individual (including a sole trader) (please complete C3)

☐ A company or organisation (please complete C4)

**C3. What is the first respondent's full name?**

① If the respondent is an individual trading under a name, please also give that name.

Name

Middle name

Surname

Trading name (if any)

**C4. What is the first respondent's company name or organisation name?**

① If the respondent is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.

① You can check the name of a company on the Companies House website.

Name

Company type

Company registration number (if limited company or LLP)

**Status:** This is the original version (as it was originally made).

Trading name (if any)

**C5. What are the first respondent's contact details?**

Address

City

Postcode

Email address

**C6. Is the second respondent an individual, a company or an organisation?**

☐ An individual (including a sole trader) (please complete C7)

☐ A company or organisation (please complete C8)

**C7. What is the second respondent's full name?**

 If the respondent is an individual trading under a name, please also give that name.


Name

Middle name

Surname

Trading name (if any)

**C8. What is the second respondent's company name or organisation name?**

 If the respondent is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.

 You can check the name of a company on the Companies House website.

Name

Company type

Company registration number (if limited company or LLP)

Trading name (if any)

**C9. What are the second respondent's contact details?**

Address

City

Postcode

Email address

**C10. Would you like the court to formally serve this Claim Form on your behalf?**

① The court cannot formally serve this Claim Form on your behalf if you are a company or if you are represented by a solicitor. You will have to arrange formal service yourself.

☐ Yes

☐ No

**D. ABOUT YOUR CLAIM**

① In this part, you must fill in information about the claim you are making against the respondent.

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

① In this section, you should briefly describe the essential facts about the story behind your claim. You do not need to set out every detail of the story. You should focus on the parts which are important for you to establish your claim.

① You should include:

- key dates,
- if there was an agreement, what you agreed to do and what the respondent agreed to do,
- 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 Claim Form.

**D2. Where did this take place?**

① You should set out where the events described above took place. If any part happened online, please state this.

① This is so that the court and the respondent can make sure that this is the right court to hear this claim.

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Address	<input type="text"/>
City	<input type="text"/>
Postcode	<input type="text"/>
Details	<input type="text"/>

**D3. Does this claim relate to a consumer credit agreement?**

① You should select 'Yes' if the claim is about an agreement between you and the respondent in which you provided the respondent with credit of any amount.

☐ Yes (please complete D4)

☐ No

**D4. What are the details of the consumer credit agreement?**

① Set out the following information:

- the date of the agreement and its reference number
- the name and address of any person who acted as guarantor
- the details of the agreed repayment arrangements
- the unpaid balance or amount of arrears.

**D5. If your claim is successful, what do you want from the respondent?**

① You should select the option(s) that best describes the type of order you would like the court to make if your claim is successful. You can ask for more than one type of order to be made in a claim.

① You can also ask for alternative orders. For example, you could ask for the respondent to be ordered to repair something of yours or, failing that, to give you money to buy a new item.

① You should set out the detail of what you would like the court to order next to each option that you select.

☐ **I want the respondent to be ordered by the court to pay me a sum of money:**

I want the court to order the respondent to pay me the sum of £\_\_\_\_.

I want the court to order the respondent to pay me interest on that sum at the rate of \_\_\_\_% annually from the last date for service.

- ① You should provide a breakdown to explain the sum of money you are claiming
- ① You should also set out the date from which you would like the court to order interest to run from and the rate of interest you would like the court to order.

☐ **I want the respondent to be ordered by the court to deliver something to me:**

I want the court to order the respondent to deliver to me the following items.

1. [list]

Alternatively, if the respondent does not deliver [that item / those items], I want the court to order the respondent to pay me the sum of £\_\_\_\_, with interest on that sum at the rate of \_\_\_\_% annually from the last date for service.

- ① Set out the item(s) you want to be delivered to you.
- ① You may want to set out an alternative claim for payment of a sum of money in case the respondent does not deliver the items to you.

☐ **I want the respondent to be ordered by the court to do something for me:**

I want the court to order the respondent to do the following:

1. [list]

Alternatively, if the respondent does not do that, I want the court to order the respondent to pay me the sum of £\_\_\_\_, with interest on that sum at the rate of \_\_\_\_% annually from the last date for service.

- ① Set out exactly what you want the respondent to be ordered to do.
- ① You may want to set out an alternative claim for payment of a sum of money in case the respondent does not do what the court has ordered.

**D6. If your claim is successful, would you like the court to order the respondent to pay you a sum of money for the expenses of the claim?**

- ① If your claim is successful, the court can order the respondent to pay you a sum of money to compensate you for the expense of making this claim.

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☐ Yes

☐ No

**D7. Why should your claim be successful?**

- ① ① You should set out briefly the reasons why your claim should be successful, and the court should make the orders which you have asked for, for example:
- “The respondent breached a contract with me by not completing work satisfactorily”
  - “The respondent caused damage or financial loss to me by breaking something belonging to me”
  - “The respondent have kept something belonging to me without the right to do.”

**D8. What steps have you taken, if any, to try to settle the dispute with the respondent?**

- ① It is an important principle of simple procedure that parties should be encouraged to settle their disputes by negotiation, where possible.
- ① You should set out any steps you have taken, if any, to try to settle the dispute with the respondent.
- ① The court will use this information to assess whether more negotiation would help you and the respondent settle your dispute.

**E. WITNESSES, DOCUMENTS AND EVIDENCE**

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

- ① You should list any witnesses you think you might bring to a hearing. You do not need to list yourself or the respondent.
- ① You should provide the full name and address of any witnesses.
- ① Your claim may require no witnesses other than you and the respondent. 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. For example, you might indicate that a witness:

- was the person with whom you made an agreement
- was present when damage took place
- inspected some work which you consider to have not 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 ]

2. [ Name ]  
[ Address ]  
[ Relationship to the claim ]

3. [ Name ]  
[ Address ]  
[ Relationship to the claim ]

[...]

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

- 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.

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

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

- ① You should list any other evidence you think you might bring to a hearing.
- ① This includes objects, but not printed material.

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- ① 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 evidence.

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

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





FORM 3B

## The Simple Procedure Further Claimant Form

To make a claim for more than one claimant, you must complete a Further Claimant Form for each extra claimant after the claimant you named in the Claim Form and send it to the sheriff court along with the Claim Form.

### A. ABOUT THE FIRST CLAIMANT

① Fill in information about the claimant named on the Claim Form, 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"/>
Company registration number (if limited company or LLP)	<input type="text"/>
Trading name (if any)	<input type="text"/>

A4. What is your address?

Address	<input type="text"/>
City	<input type="text"/>
Postcode	<input type="text"/>

**Status:** This is the original version (as it was originally made).


Email address

### C. ABOUT THE FURTHER CLAIMANT

#### C1. Is the further claimant an individual, a company or an organisation?

- ☐ An individual (including a sole trader) (please complete C2)
- ☐ A company or organisation (please complete C3)

#### C2. What is the further claimant's full name?

-  If the further claimant is an individual trading under a business name, please also give that name.



Name

Middle name

Surname

Trading name (if any)

#### C3. What is the further claimant's company name or organisation name?

-  If the further claimant is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.
-  You can check the name of a company on the Companies House website.

Name

Company type

Company registration  
number (if limited company  
or LLP)

Trading name (if any)

#### C5. What are the further claimant's contact details?

Address

City

Postcode

Email address



FORM 3C

## The Simple Procedure Further Respondent Form

To make a claim against more than two respondents, you must complete a Further Respondent Form for each extra respondent after the two respondents you named in the Claim Form and send it to the sheriff court along with the Claim Form.

### A. ABOUT THE FIRST CLAIMANT

① Fill in information about the claimant named on the Claim Form, 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"/>
Company registration number (if limited company or LLP)	<input type="text"/>
Trading name (if any)	<input type="text"/>

A4. What is your address?


Address	<input type="text"/>
City	<input type="text"/>
Postcode	<input type="text"/>

**Status:** This is the original version (as it was originally made).


Email address

### C. ABOUT THE FURTHER RESPONDENT

#### C1. What is the first respondent's full name or company name?

-  You must fill in information about the first respondent you named in part C of the Claim Form so that the court knows which claim this relates to.


#### C2. What is the second respondent's full name or company name?

-  You must fill in information about the second respondent you named in part C of the Claim Form so that the court knows which claim this relates to.

#### C3. Is the further respondent an individual, a company or an organisation?

- ☐ An individual (including a sole trader) (please complete C3)
- ☐ A company or organisation (please complete C4)

#### C4. What is the further respondent's full name?

-  If the further respondent is an individual trading under a business name, please also give that name.


Name

Middle name

Surname

Trading name (if any)

#### C5. What is the further respondent's company name or organisation name?

-  If the further respondent is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.

-  You can check the name of a company on the Companies House website.

Name

Company type

Company registration  
number (if limited company  
or LLP)

Trading name (if any)

**C6. What are the further respondent's contact details?**

Address

City

Postcode

Email address

*Status: This is the original version (as it was originally made).*



FORM 3D

## The Simple Procedure Timetable

Your claim has been registered.

This is the timetable for your case. It sets out the two important dates by which certain things must be done in this simple procedure case

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. LAST DATE FOR SERVICE

① The last date for service is the date by which the Claim Form must be formally served on the respondent.

① Part 6 of the Simple Procedure Rules is about how formal service can be arranged.

Last date for service:

### C. LAST DATE FOR A RESPONSE

① The last date for a response is the date by which the respondent must send a Response Form to the court and to the claimant.

① Part 7 of the Simple Procedure Rules is about what happens if the respondent sends the court a Response Form and what can happen if they don't.

Last date for a response:



FORM 3E

## The Simple Procedure Change of Timetable Application

This is a Change of Timetable Application. You can use this Application to ask to change the timetable in a simple procedure case, including:

- changing the last date for service, or
- changing the last date for a response.

Before completing this form, you should read rule 3.13 of the Simple Procedure Rules, which is about how to apply for a change of timetable.

### 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

B1. 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"/>

B2. Which party in this case are you?

- ☐ Claimant
- ☐ Respondent

### C. THE APPLICATION

C1. Why does the timetable for this case need to be changed?

**Status:** This is the original version (as it was originally made).

**C1. Why does the timetable for this case need to be changed?**

- ① Set out why the original timetable for this case can no longer be complied with (e.g. because of difficulties with service).

**C2. What new timetable would allow this case to progress?**

- ① Set out your suggestion for new dates which would allow this case to progress (e.g. how long do you think it will take you to formally serve something?).





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.

### A. ABOUT YOU

- ① 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

Middle name

Surname

Trading name or  
representative capacity (if  
any)

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

Name

Company type

Company registration  
number (if limited company  
or LLP)

**Status:** This is the original version (as it was originally made).

Trading name (if any)

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

Address

City

Postcode

Email address

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

☐ By post

☐ Email

**B. ABOUT YOUR REPRESENTATION**

 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?**


 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?**

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

Address

City

Postcode

Email address

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

**Status:** This is the original version (as it was originally made).

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

☐ Yes

☐ No

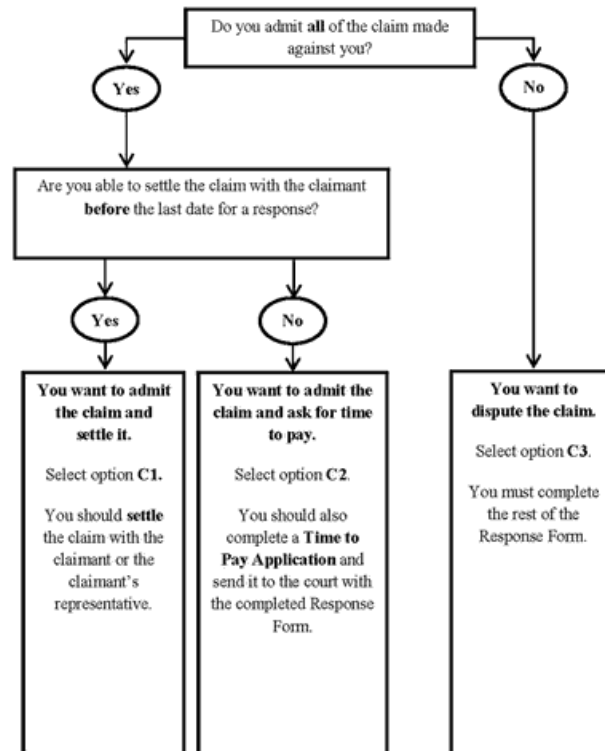
**B5. How would your representative prefer the court to contact them?**

☐ By post

☐ Email

### C. YOUR RESPONSE TO THE CLAIM

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.



☐ **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.

**Status:** This is the original version (as it was originally made).

- 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 pay 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.

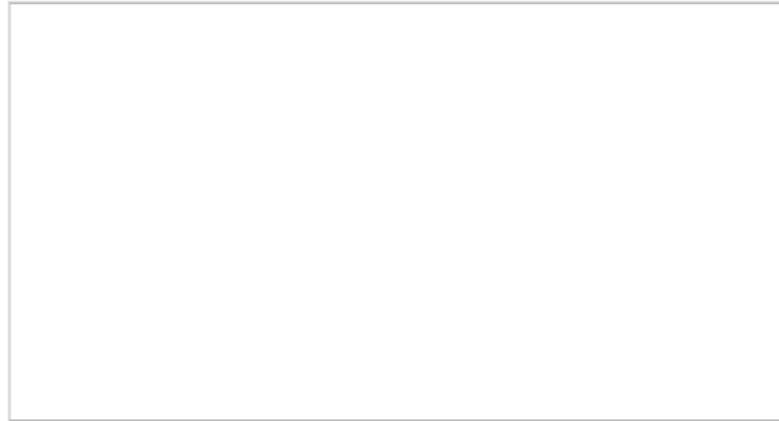
☐ **C3. I want to dispute the claim.**

- 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**

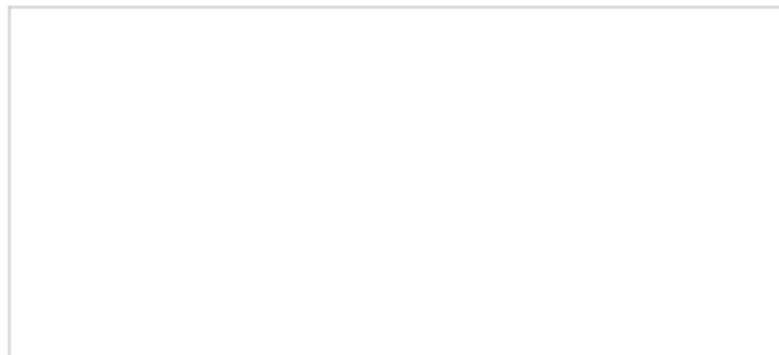
### **D1. What is the background to this claim?**

- 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.



**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 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:
  - you have a right of contribution, relief or indemnity against someone who is already a respondent

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- 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 responding party settle your dispute.

**E. WITNESSES, DOCUMENTS AND EVIDENCE**

**E1. Set out in a numbered list any witnesses you might to 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.

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

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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.**





FORM 5A

## The Simple Procedure Time to Pay Application

This is a Time to Pay Application. It is used to ask the sheriff to make an order giving the respondent time to pay (where such an order is available).

**You can only apply for time to pay where you admit the claim made against you by the claimant.**

The respondent may ask for time to pay by completing this application and either:

- (a) sending it to court with the completed Response Form, or
- (b) bringing it to court at a discussion in court, case management discussion or a hearing.

Before completing this form, you should read Part 5 of the Simple Procedure Rules, which is about asking for time to pay.

There are two situations in which the court can make a time to pay order: under the Debtors (Scotland) Act 1987 and under the Consumer Credit Act 1974.

### **Time to pay under the Debtors (Scotland) Act 1987**

The Debtors (Scotland) Act 1987 gives you the right to apply to the court for time to pay. This is an order which allows you to pay any sum which the court orders you to pay either in instalments or by deferred lump sum. A "deferred lump sum" means that you will be ordered by the court to pay the whole amount at one time within a period which the court will specify.

If the court makes an order, it may also recall or restrict any arrestment made on your property by the pursuer in connection with the action or debt (for example, your bank account may have been frozen).

If an order is made, a copy of the Decision Form will be sent to you by the pursuer telling you when payment should start or when it is you have to pay the lump sum.

If an order is not made, and an order for immediate payment is made against you, a Charge may be served on you if you do not pay.

Under the 1987 Act, the court is required to make an order if satisfied that it is reasonable in the circumstances to do so, and having regard in particular to the following matters:

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- The nature of and reasons for the debt in relation to which decree is granted
- Any action taken by the creditor to assist the debtor in paying the debt
- The debtor's financial position
- The reasonableness of any proposal by the debtor to pay that debt
- The reasonableness of any refusal or objection by the creditor to any proposal or offer by the debtor to pay the debt.

#### Time to pay under the Consumer Credit Act 1974

The Consumer Credit Act 1974 allows you to apply to the court for an order asking the court to give you more time to pay a loan agreement. This order can only be applied for where the claim is about a credit agreement regulated by the Consumer Credit Act. The court has power to make an order in respect of a regulated agreement to reschedule payment of the sum owed. This means that an order can change:

- the amount you have to pay each month
- how long the loan will last
- in some cases, the interest rate payable

A time order can also stop the creditor taking away any item bought by you on hire purchase or conditional sale under the regulated agreement, so long as you continue to pay the instalments agreed.

#### 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 representative capacity (if any)	<input type="text"/>
Date of application	<input type="text"/>

#### B. ABOUT YOUR APPLICATION

① Set out how you think that you are able to pay the claimant the sum of money which you owe.

##### B1. I admit the claim and would like to apply to pay the sum of money as follows:

<input type="checkbox"/>	By instalments of: <input type="text"/>	per <input type="text"/>
--------------------------	---	--------------------------

- ☐ In one lump sum  weeks / months  from today.  
within:

**B2. How did you get into this debt?**

- ① Set out the reasons for you getting into this debt.

**B3. Why should the court give you time to pay?**

- ① Set out the reasons why the court should give you time to pay.

**B4. Why is the payment offer you have made reasonable?**

- ① Set out any information which explains why the offer you have made is a reasonable one (i.e. why you can afford that offer but not a higher one).

**B5. Are you apply to have an arrestment recalled or restricted?**

- ① When making an order the court may recall or restrict an arrestment (i.e. unfreeze your bank account if it has been frozen).

☐ Yes (explain below)

☐ No

- ① Set out the details of the arrestment, including the date on which it occurred.

**C. ABOUT YOUR FINANCES**

- ① To help the court decide whether to make an order and what that order should be, please provide some details of your financial situation.

**Status:** This is the original version (as it was originally made).

#### C1. What is your employment situation?

- ☐ Employed
- ☐ Self-employed
- ☐ Unemployed

#### C2. What are your outgoings?

① Set out any regular payments you have to make and whether these are made weekly, fortnightly or monthly.

Rent or mortgage	£	each	week / fortnight / month
Council tax	£	each	week / fortnight / month
Utilities (gas, electricity, etc)	£	each	week / fortnight / month
Food	£	each	week / fortnight / month
Loans and credit agreements	£	each	week / fortnight / month
Phone	£	each	week / fortnight / month
Other	£	each	week / fortnight / month
Total	£	each	week / fortnight / month

#### C3. What income do you receive?

① Set out any regular income you receive and whether you get this weekly, fortnightly or monthly.

Wages or pension	£	each	week / fortnight / month
Benefits	£	each	week / fortnight / month
Tax credits	£	each	week / fortnight / month
Other	£	each	week / fortnight / month
Total	£	each	week / fortnight / month

#### C4. Does anyone rely on your income?

① Set out how many people (if any) rely on your income and who they are (e.g. spouse / civil partner / children).

**C5. Do you have any capital?**

- 
- ① Set out any capital which you hold. For example, money in savings accounts, shares, investments or houses owned.

*Status: This is the original version (as it was originally made).*



FORM 5B

## The Simple Procedure Time to Pay Notice

The respondent has admitted the claim you made against them and applied to the court for time to pay the sum of money which you claimed.

A copy of the Time to Pay Application is attached.

Before completing this form, you should read Part 5 of the Simple Procedure Rules, which is about asking for time to pay.

You must send this Time to Pay Notice back to the court within 14 days of the date above or else the court will dismiss your claim.

### A. ABOUT THE CASE

Sheriff Court	<input type="text"/>
Name of claimant	<input type="text"/>
Name of respondent	<input type="text"/>
Case reference number	<input type="text"/>
Date of notice	<input type="text"/>

### B. ABOUT YOU

① This is so that the court knows who you are.

B1. 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"/>

### C. YOUR RESPONSE

① This will assist the court in deciding whether or not to grant the respondent time to pay.

**B1. How do you respond to the Time to Pay Application?**

---

 Set out whether you are content or not for the court to give the respondent time to pay the sum of money in your claim.

☐ I am content with the proposal for time to pay.

☐ I am not content with the proposal for time to pay.

*Status: This is the original version (as it was originally made).*



FORM 6A

## The Simple Procedure Notice of Claim

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

You have been **formally served** with a simple procedure claim.

### What is this envelope?

You have received this envelope because a claim is being made against you in court. The claim is being made under the Simple Procedure. The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of £5,000 or less. The Simple Procedure Rules are available on the Scottish Courts and Tribunals Service website.

In the Simple Procedure, the person who is making a claim against you is known as the claimant. You, the person the claim is being made against, are known as the respondent.

This envelope should contain:

- this Notice of Claim,
- a Timetable,
- a completed Claim Form,
- if you are able to apply to the court for time to pay, a Time to Pay Application,
- a blank Response Form.

### What should you do next?

You should read the completed Claim Form carefully, because it sets out the claim being made against you, including the identity of the claimant, what the claimant says happened and what the claimant wants from you if their claim is successful in court.

You should read the Timetable carefully. This sets out what the last date for a response is. This is the date by which, if you want to dispute the claim, you must send a completed Response Form to the court and to the claimant. If you do not do this, the court will almost certainly, if appropriate, award the claim to the claimant and order you to make a payment, including interest and expenses.

### What help is available?

If you are not sure what to do next, you can contact the office of the sheriff clerk at the sheriff court.



If you need help to decide how to respond to the claim, how to complete the Response Form or help by representing you in court at a hearing, you should contact a solicitor, the Citizens Advice Bureau or another advocacy or assistance organisation.

**Status:** This is the original version (as it was originally made).



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 6.11 of the Simple Procedure Rules, which is about service by advertisement.

### A. ABOUT YOU

① Fill in 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

Middle name

Surname

Trading name or  
representative capacity (if  
any)

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

Name

Company type

Company registration  
number (if limited company  
or LLP)

Trading name (if any)

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

Address

City

Postcode

Email address

**B. 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.

**Status:** This is the original version (as it was originally made).



FORM 6C

## The Simple Procedure Confirmation of Formal Service

This is a Confirmation of Formal Service. It is used to inform the court when and how something has been formally served.

It must be completed and sent to the court whenever you are required to formally serve something on someone under the rules.

### A. ABOUT THE CASE

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

### B. ABOUT YOU

B1. What is your full name?

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

B2. What is your profession?

- ☐ Sheriff officer
- ☐ Sheriff clerk
- ☐ Solicitor

### C. ABOUT FORMAL SERVICE

C1. Who did you formally serve something on?

① You must identify the person who you were required to serve something on.

**C2. How did you formally serve it?**

① You must describe the method of formal service used.

- ☐ By a next-day postal service which records delivery
- ☐ Delivering it personally
- ☐ Leaving it in the hands of a resident or employee
- ☐ Depositing it in a home or place of business by letter box or other lawful way
- ☐ Leaving it at a home or place of business in a way likely to come to the person's attention
- ☐ Other

① If you have selected 'Other' or need to give more details about the manner of formal service, please set this out below.

**C3. When did you formally serve it?**

① You must identify when service was performed.

**Status:** This is the original version (as it was originally made).



FORM 7A

## The Simple Procedure Application for a Decision

This is an Application for a Decision. You can use this Application in two situations:

- to ask the court to make the orders which you asked for in your Claim Form if the responding party has not returned a Response Form to the court by the last date for a response, or
- to ask the court to dismiss a claim or make a decision awarding you some or all of your claim if the claim has been settled before the last date for a response.

Before completing this form, you should read rules 7.2 to 7.4 of the Simple Procedure Rules, which are about applying for a decision.

### A. ABOUT THE CASE

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

### B. ABOUT YOU

B1. 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"/>

### C. ABOUT THE CASE

① Set out what has happened that entitles you to make this Application.

- ☐ No Response Form has been sent to the court by the last date for a response.
- ☐ The respondent has admitted the claim and wants to settle it by the last date for a response.

**D. ABOUT THE DECISION**

---

 You must set out which orders you would like the sheriff to make.

- ☐ I would like the sheriff to dismiss the claim.
- ☐ I would like the sheriff to make all of the orders I asked for in the Claim Form.
- ☐ I would like the sheriff to make the following orders I asked for in the Claim Form:

*Status: This is the original version (as it was originally made).*



FORM 8A

## The Simple Procedure Order of the Sheriff

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>Court ref no:</b>	<input type="text"/>

---

[Text of order]

<b>Signed by:</b>	<input type="text"/>
-------------------	----------------------

Sheriff of [sheriffdom] at [sheriff court]





FORM 9A

## The Simple Procedure Application to Pause

Before completing this form, you should read rule 9.2 of the Simple Procedure Rules, which is about applying to have a case paused.

**If you are applying to have the case paused:**

This is an Application to Pause.

If the court grants this application then any hearings arranged in this case will be cancelled and the case will not progress until it is restarted.

You must send fill in parts A, B and C of this application and send it to the court and to the other party in this case. So if you are the claimant, it must be sent to respondents. If you are a respondent it must be sent to the claimant.

**If you have been sent this application:**

This is an Application to Pause.

If the court grants this application then any hearings arranged in this case will be cancelled and the case will not progress until it is restarted.

You have received this application because someone has applied to have a simple procedure case you are involved in paused.

You must fill in part D of this application ('the reply') and return it to the court within 10 days of it being sent to you. The court will then do one of three things: pause the case, refuse to pause the case, or order a discussion in court.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

**Status:** This is the original version (as it was originally made).

Surname

Trading name or  
representative capacity (if  
any)

**B2. Which party in this case are you?**

☐ Claimant

☐ Respondent

**C. THE APPLICATION**

*i* If you are the party replying to this application, do not fill in this part. You should fill in part D.

**C1. Why should this case be paused?**

*i* The party making the application must set out why the court should pause the case.

**C2. When was this application sent to the court?**

*i* Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).

*i* Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

*i* If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. What is your full name?**

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

**D2. Should this case be paused?**

☐ Yes

☐ No

**D3. If you answered 'no', why should this case not be paused?**

- ① If the party replying to the application objects to the case being paused, they should set out why the court should not pause the case.

--

**Status:** This is the original version (as it was originally made).



FORM 9B

## The Simple Procedure Application to Restart

Before completing this form, you should read rule 9.4 of the Simple Procedure Rules, which is about applying to have a paused case restarted.

### If you are applying to have the case restarted:

This is an Application to Restart.

If the court grants this application then the progress of this case will resume and a hearing may be arranged.

You must fill in parts A, B and C of this application and send it to the court and to the other party in this case. So if you are the claimant, it must be sent to the responding party. If you are the responding party it must be sent to the claimant.

### If you have been sent this application:

This is an Application to Restart.

If the court grants this application then the progress of this case will resume and a hearing may be arranged.

You have received this application because someone has applied to have a simple procedure case you are involved in restarted.

You must fill in part D of this application ('the reply') and return it to the court. The court will then do one of three things: restart the case, refuse to restart the case, or order a discussion in court.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

B2. Which party in this case are you?

☐ Claimant

☐ Respondent

### C. THE APPLICATION

**i** If you are the party replying to this application, do not fill in this part. You should fill in part D.

#### C1. Why should this case be restarted?

**i** The party making the application must set out why the court should restart the case.

#### C2. When was this application sent to the court?

**i** Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).

**i** Any reply to this application must be sent to the court within 10 days of this application being sent.

### D. THE REPLY

**i** If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

#### D1. What is your full name?

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

#### D2. Should this case be restarted?

☐ Yes

☐ No

#### D3. If you answered 'no', why should this case not be restarted?

**i** If the party replying to the application objects to the case being restarted, they should set out why the court should not restart the case.

**Status:** This is the original version (as it was originally made).





FORM 9C

## The Simple Procedure Additional Respondent Application

Before completing this form, you should read rule 9.6 of the Simple Procedure Rules, which is about applying to be an additional respondent.

This is an Additional Respondent Application. If the court grants this application then the person making it will become a respondent in this simple procedure case. The court cannot refuse this application without ordering a discussion in court.

A draft Response Form must be attached to this application.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

### C. THE APPLICATION

C1. What is your interest in becoming a respondent?

① You must set out what your interest in this simple procedure case is and why the court should allow you to participate in it as a respondent.

**Status:** This is the original version (as it was originally made).







FORM 9D

## The Simple Procedure Application to Amend

Before completing this form, you should read rule 9.7 of the Simple Procedure Rules, which is about applying to amend a Claim Form or Response Form.

**If you are applying to have a Form amended:**

This is an Application to Amend.

If the court grants this application then it will make the amendments you have asked for.

You must fill in parts A, B and C of this application and send it to the court and to the other party in this case. So if you are the claimant, it must be sent to the respondent. If you are the respondent it must be sent to the claimant.

**If you have been sent this application:**

This is an Application to Amend.

If the court grants this application then it will make the amendments which have been asked for.

You have received this application because someone has applied to have a Form amended in a simple procedure case you are involved in.

You must fill in part D of this application ('the reply') and return it to the court within 10 days of it being sent to you. The court will then do one of three things: allow the amendment, refuse the amendment, or order a discussion in court.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Representative

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

**Status:** This is the original version (as it was originally made).

Surname

Trading name or  
representative capacity (if  
any)

**B2. Which party in this case are you?**

- ☐ Claimant
- ☐ Respondent

**C. THE APPLICATION**

- ① If you are the party replying to this application, do not fill in this part. You should fill in part D.

**C1. What amendments should be made?**

- ① The party making the application must set out the amendments they want to be made to the Claim Form or Response Form.
- ① It might be best to do this as a track-changes version of the original text, attached to this application.

**C2. Why should these amendments be made?**

- ① Set out why the court should allow these amendments to be made?

**C3. When was this application sent to the court?**

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

- ① If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. What is your full name?**

**Status:** This is the original version (as it was originally made).

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

**D2. Should these amendments be allowed?**

---

☐ Yes

☐ No

**D3. If you answered 'no', why should these amendments not be allowed?**

---

 If the party replying to the application objects to these amendments, they should set out why.

**Status:** This is the original version (as it was originally made).



FORM 9E

## The Simple Procedure Abandonment Notice

Before completing this form, you should read rule 9.8 of the Simple Procedure Rules, which is about applying to abandon a case.

**If you are abandoning your claim:**

This is an Abandonment Notice.

You must fill in this Notice and send it to the court and the respondent.

You will be sent written orders.

**If you have been sent this notice:**

This is an Abandonment Notice.

You have been sent it because the claimant has abandoned a claim made against you.

You will be sent further written orders.

**A. ABOUT THE CASE**

Sheriff Court

Claimant

Respondent

Case reference number

**B. ABOUT YOU**

B1. What is your full name?

Name

Middle name

Surname

**C. ABANDONMENT**

C1. Which respondent are you abandoning your claim against?

Name of respondent

- ☐ You must check the box below to confirm that you are abandoning your claim against this respondent and that you are aware that this will normally mean that you are ordered to pay that respondent a sum of expenses.

☐ I am abandoning my claim against this respondent.



FORM 9F

## The Simple Procedure Application to Represent

Before completing this form, you should read rule 9.9 of the Simple Procedure Rules, which is about applying to represent a deceased or incapacitated party.

**If you are applying to represent a party:**

This is an Application to Represent.

If the court grants this application then you will be allowed to represent a deceased or legally incapacitated party in this simple procedure case.

You must send fill in parts A, B and C of this application and send it to the court and to the other party in this case. So if you are the claimant, it must be sent to the respondent. If you are the respondent it must be sent to the claimant.

**If you have been sent this application:**

This is an Application to Represent.

If the court grants this application then it will allow someone to represent a deceased or legally incapacitated party in this simple procedure case.

You have received this application because someone has applied to represent a dead or legally incapacitated party in a simple procedure case you are involved in.

You must fill in part D of this application ('the reply') and return it to the court within 10 days of it being sent to you. The court will then do one of three things: allow that person to represent the party, not allow that person to represent that party, or order a discussion in court.

**A. ABOUT THE CASE**

Sheriff Court

Claimant

Respondent

Case reference number

**B. ABOUT YOU**

B1. What is your full name?

Name

**Status:** This is the original version (as it was originally made).

Middle name

Surname

Trading name or  
representative capacity (if  
any)

**B2. Which party in this case would you like to represent?**

Name

Middle name

Surname

Trading name (if any)

**B3. Which party in this case is that person?**

☐ Claimant

☐ Respondent

**C. THE APPLICATION**

- ① If you are the party replying to this application, do not fill in this part. You should fill in part D.

**C1. Why should the court let you represent that person in this case?**

- ① Set out what has happened to the party in this simple procedure case, and why you represent that person or that person's estate.
- ① If you have any documents (e.g. a death certificate) which might help the court make a decision in this application, you should send them to the court with this application.

**C2. When was this application sent to the court?**

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

- ① If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. What is your full name?**

**Status:** This is the original version (as it was originally made).

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

D2. Should this person be allowed to represent this party?

---

☐ Yes

☐ No

D3. If you answered 'no', why should this person not be allowed to represent this party?

---

① If the party replying to the application objects, they should set out why the court should not allow this person to represent this party.

*Status: This is the original version (as it was originally made).*



FORM 9G

## The Simple Procedure Incidental Orders Application

Before completing this form, you should read rule 9.10 of the Simple Procedure Rules, which is about applying for the sheriff to make incidental orders.

**If you are applying for the sheriff to make orders:**

This is an Incidental Orders Application.

You can use this Application to ask the sheriff to make any orders that are not specifically provided for by the Simple Procedure Rules.

**If you have been sent this application:**

This is an Incidental Orders Application.

If the court grants this application then it will make the orders which have been asked for below.

You must fill in part D of this application ('the reply') and return it to court within 10 days of it being sent to you. The court will then either grant the application and send written orders to the parties, or make no orders.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

B2. Which party in this case are you?



☐ Claimant

☐ Respondent

### C. THE APPLICATION

**i** If you are the party replying to this application, do not fill in this part. You should fill in part D.

#### C1. What orders would you like the court to make?

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

#### C2. Why should the court make these orders?

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

#### When was this application sent to the court?

**i** Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).

**i** Any reply to this application must be sent to the court within 10 days of this application being sent.

### D. THE REPLY

**i** If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

#### D1. What is your full name?

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

#### D2. Should the court make these orders?

**Status:** This is the original version (as it was originally made).

☐ Yes

☐ No

**D3. If you answered 'no', why should the court not make these orders?**

 If the party replying to the application objects to proposed orders, they should set out why the court should not make these orders.



FORM 10A

## The Simple Procedure List of Evidence Form

Before completing this form, you should read Part 10 of the Simple Procedure Rules, which is about documents and other evidence.

This is the List of Evidence Form. Parties must send a copy to each other and to the court at least 14 days before the hearing.

All documents and other evidence must be lodged with the court by sending them to the sheriff clerk at least 14 days before the hearing. If you think that there will be practical difficulties involved with sending evidence to the court (e.g. because of size, or because something might go off) you must contact the sheriff clerk before sending that evidence to be lodged.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

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. LIST OF EVIDENCE

**Status:** This is the original version (as it was originally made).

- ① Set out all evidence or other documents you are lodging with the court.
- ① Set out a brief description of each item of evidence and explain its relationship to the case. This means the reason why you think this item of evidence is necessary for the court to make a decision in this case.
- ① It is useful to the court if documents and other evidence being lodged can be numbered using the numbers (C1, C2, etc) below. If bigger documents do not already have page numbers, then adding page numbers can help the court read and understand these documents.
- ① If you think that you need more than 10 items of evidence, please fill out a further List of Evidence Form and attach it to this one.

#### C1. Item of evidence

Brief description of document or other evidence	
Relationship to the case	

#### C2. Item of evidence

Brief description of document or other evidence	
Relationship to the case	

#### C3. Item of evidence

Brief description of document or other evidence	
Relationship to the case	

#### C4. Item of evidence

Brief description of document or other evidence	
Relationship to the case	

#### C5. Item of evidence

Brief description of document or other evidence	
Relationship to the case	

--

**C6. Item of evidence**

Brief description of document or other evidence 

--

Relationship to the case 

--

**C7. Item of evidence**

Brief description of document or other evidence 

--

Relationship to the case 

--

**C8. Item of evidence**

Brief description of document or other evidence 

--

Relationship to the case 

--

**C9. Item of evidence**

Brief description of document or other evidence 

--

Relationship to the case 

--

**C10. Item of evidence**

Brief description of document or other evidence 

--

Relationship to the case 

--

**Status:** This is the original version (as it was originally made).



FORM 10B

## The Simple Procedure Recovery of Documents Application

**If you are applying for the sheriff to make orders:**

This is a Recovery of Documents Application.

If you do not possess a document that you want to lodge with the court, you can use this Application to ask the court for an order to recover documents.

That order tells the person who has the document to send it to the court.

**If you have been sent this Application:**

This is a Recovery of Documents Application.

If the court grants this application then it will make the orders which have been asked for below.

You must fill in part D of this application ('the reply') and return it to court within 10 days of it being sent to you.

The court will then either grant the application and send an order to recover documents to the parties, refuse the application and make no orders, or order you to appear at a discussion in court where the sheriff will consider whether to make an order.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

**B2. Which party in this case are you?**

☐ Claimant

☐ Respondent

**C. THE APPLICATION**

**①** If you are the party replying to this application, do not fill in this part. You should fill in part D.

**C1. What documents would you like to recover?**

**①** The party making the application must identify every document that the party wants to recover. Use a new line for each document.

**C2. Who has these documents?**

**①** The party making the application must set out who possesses each of the documents.

**C3. Why should the court make an order to recover these documents?**

**①** The party making the application must set out why the court should make an order for recovery of these documents.

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

**①** Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).

**①** Any reply to this application must be sent to the court within 10 days of this application being sent.

**Status:** This is the original version (as it was originally made).

#### D. THE REPLY

---

① If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

##### D1. 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"/>

##### D2. Should the court make an order to recover these documents?

---

☐ Yes

☐ No

##### D3. If you answered 'no', why should the court not make an order to recover these documents?

---

① If the party replying to the application objects to the proposed order, they should set out why the court should not make an order to recover these documents.





FORM 10C

## The Simple Procedure Application to Open Confidential Document

**If you are applying for the sheriff to make orders:** **If you have been sent this Application:**

This is an Application to Open Confidential Document.

It is used where someone has claimed that documents are confidential in response to an order to recover documents or a special order to recover documents. That person has given the documents to the court in a sealed envelope.

You can use this Application to ask the court to open the sealed envelope so that the documents can be used in your simple procedure case.

This is an Application to Open Confidential Document.

If the court grants this application then it will make the orders which have been asked for below.

You must fill in part D of this application ('the reply') and return it to court within 10 days of it being sent to you.

The court will then either grant the application and allow the sealed envelope containing the confidential document to be opened, refuse the application and make no orders, or order you to appear at a discussion in court where the sheriff will consider whether to make an order.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

**Status:** This is the original version (as it was originally made).

Surname

**B2. What is your role in this case?**

- ☐ Claimant
- ☐ Respondent

**C. THE APPLICATION**

① If you are replying to this application, do not fill in this part. You should fill in part D.

**C1. Which sealed envelope would you like to open?**

- ① The party making the application must identify which sealed envelope they wish to have opened.

[Include the date on which the envelope was sent the court and who sent it]

**C3. Why should the court make an order allowing this sealed envelope to be opened?**

- ① The party making the application must set out why the court should make an order allowing the sealed envelope to be opened.

[Give reasons why the envelope should be opened]

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

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

- ① If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. What is your full name?**

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

D2. What is your role in this case?

- ☐ Claimant
- ☐ Respondent
- ☐ The person who claimed that the document is confidential

D3. Should the court make an order allowing the sealed envelope to be opened?

- ☐ Yes
- ☐ No

D3. If you answered 'no', why should the court not make an order allowing the sealed envelope to be opened?

- ① If the party replying to the application objects to the proposed order, they should set out why the court should not make an order allowing the sealed envelope to be opened.

**Status:** This is the original version (as it was originally made).



FORM 10D

## The Simple Procedure Special Recovery of Documents Application

**If you are applying for the sheriff to make orders:** **If you have been sent this Application:**

This is a Special Recovery of Documents Application.

You can use this Application to ask the court for a special order to recover documents. The court will only grant the Application if it has already made an order to recover documents but that has been unsuccessful.

The special order appoints someone to recover the documents on behalf of the court. The person appointed is normally a solicitor.

This is a Special Recovery of Documents Application.

If the court grants this application then it will make the orders which have been asked for below.

You must fill in part D of this application ('the reply') and return it to court within 10 days of it being sent to you.

The court will then either grant the application and send a special order to recover documents to the parties, refuse the application and make no orders, or order you to appear at a discussion in court where the sheriff will consider whether to make an order.

### 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

B1. What is your full name?

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

Surname

**B2. Which party in this case are you?**

- ☐ Claimant
- ☐ Respondent

**C. THE APPLICATION**

- i** If you are the party replying to this application, do not fill in this part. You should fill in part D.

**C1. When did the court make an order to recover documents?**

- i** Set out the date of the court's order.

**C2. When did you serve the order to recover documents on the person who possesses the documents?**

- i** Set out the date of formal service on that person.

**C3. Why was the order to recover documents unsuccessful?**

- i** Tick the appropriate box.

- ☐ The person who possesses the documents did not reply to the order.
- ☐ The person who possesses the documents sent some documents to the court, but these are not all of the documents I want to recover.
- ☐ I am not satisfied with the explanation given by the person who possesses the documents for not producing them to the court. These are my reasons:

[set out reasons why you are not satisfied with the explanation]

**C4. Who do you want the court to appoint as the commissioner?**

- i** The commissioner is the person appointed by the court to carry out the recovery under a special order to recover documents.
- i** The commissioner is usually a solicitor, but the court may appoint any suitable person.
- i** The court may decide not to appoint the person you propose, and appoint someone else instead.

Name

Middle name

Surname

Profession

**Status:** This is the original version (as it was originally made).

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

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

- ① If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. What is your full name?**

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

**D2. Should the court make a special order to recover these documents?**

- ☐ Yes
- ☐ Yes, but I object to the appointment of the proposed commissioner
- ☐ No

**D3. If you answered 'yes, but I object to the appointment of the proposed commissioner', why should the court not appoint that person as commissioner?**

- ① If the party replying to the application objects to the proposed order, they should set out why the court should not appoint that person as commissioner.

D3. If you answered 'no', why should the court not make a special order to recover these documents?

- 
- ① If the party replying to the application objects to the proposed order, they should set out why the court should not make a special order to recover these documents.

**Status:** This is the original version (as it was originally made).



FORM 11A

## The Simple Procedure List of Witnesses Form

Before completing this form, you should read Part 11 of the Simple Procedure Rules, which is about witnesses.

This is the List of Witnesses Form. Parties must send a copy to each other and to the court at least 14 days before the hearing.

### 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

B1. 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"/>

B2. Which party in this case are you?

- ☐ Claimant
- ☐ Respondent

### C. LIST OF WITNESSES

- ① Set out any witnesses you want to appear at the hearing. You do not need to list yourself or the other party.
- ① You may need to cite witnesses using the Witness Citation Form, but you should only cite a witness if you cannot otherwise arrange for that witness to appear at the hearing.



- ① Set out the name and address of each witness and explain their relationship to the case. This means the reason why you think this witness's evidence is necessary for the court to make a decision in this case.
- ① If you think that you need more than 4 witnesses, please fill out a further List of Witnesses Form and attach it to this one.

**C1. Witness**

Name of witness

Address of witness

Relationship of the witness  
to the case

**C2. Witness**

Name of witness

Address of witness

Relationship of the witness  
to the case

**C3. Witness**

Name of witness

Address of witness

Relationship of the witness  
to the case

**Status:** This is the original version (as it was originally made).

**C4. Witness**

Name of witness

Address of witness

Relationship of the witness  
to the case



FORM 11B

## The Simple Procedure Witness Citation Notice

You have been cited as a witness in a case in the sheriff court. The details of the case and the date on which you should come to court are below, at Part B.

**It is very important that you attend court and you should note that failure to do so may result in a warrant being granted for your arrest.**

You may claim back money which you have had to spend and any earnings you have lost within certain specified limits, because you have to come to court on the above date. These may be paid to you if you claim within specified time limits. Claims should be made to the person who has asked you to attend court. Proof of any loss of earnings should be given to that person.

If you wish your travelling expenses to be paid before you go to court, you should apply for payment to the person who has asked you to attend court (listed below at C2).

If you:

- would like to know more about being a witness
- are a child under the age of 18
- think you may be a vulnerable witness within the meaning of section 11(1) of the Vulnerable Witnesses (Scotland) Act 2004 (that is someone the court considers may be less able to give their evidence due to mental disorder or fear or distress connected to giving your evidence at the court hearing).

you should contact the person who cited you (listed below at C2) for further information.

If you are a vulnerable witness (including a child under the age of 18) then you should be able to use a special measure (such measures include use of a screen, a live TV link or a supporter, or a commissioner) to help you give evidence.

### A. ABOUT THE CASE

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

**Status:** This is the original version (as it was originally made).

## B. WHEN AND WHERE YOU MUST COME TO COURT

① You must come to the court listed below on the date listed below.

The Sheriff Court you must come to is:

Address

Postcode

You must come to the Sheriff Court on this date:

## C. ABOUT THIS CITATION

① This part contains information about the party who has cited you as a witness.

### C1. Who formally served this Witness Citation Notice?

Name

Middle name

Surname

Firm or organisation

Solicitor or sheriff officer

### C2. Who is citing you as a witness?

① If the person who cited you is represented by a solicitor, they should list the solicitor's details here. If they do not, they should list their own details.

Name

Address

Postcode

Firm or organisation



FORM 11C

## The Simple Procedure Child Witness Notice

This is a Child Witness Notice.

It is used to tell the court that a witness who is to give evidence in the simple procedure case is a child witness (someone who is under 18 when the simple procedure case begins).

It asks the sheriff to authorise the use of special measures to take the child witness's evidence, or to decide that the child witness is to give evidence without any special measures.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

B2. What is your role in this case?

☐ Claimant

☐ Respondent

### C. THE NOTICE

C1. What is the full name of the child witness?

Name

Middle name

**Status:** This is the original version (as it was originally made).

Surname

**C2. What is the child witness's date of birth?**

Date of birth

**C3. If the child witness is over 18 when this Notice is completed, was the child witness under 18 when the simple procedure case began?**

☐ Yes

☐ No

**C3. What order should the court make about the child witness?**

☐ The court should authorise the use of the special measure(s) mentioned in part D

 You should also complete parts D and E.

☐ The court should order that the child witness is to give evidence without the benefit of any special measure

 You should also complete part E.

**C4. Why should the court make this order?**

 You should set out the reasons why the court should make this order.

**C5. When was this Notice sent to the court?**

 Set out the date on which the notice was sent to the court (i.e. the date on which the email was sent, or the date on which the notice was posted).

#### **D. THE SPECIAL MEASURES**

- ① The special measures that the court may make are listed in rule 11.6 of the Simple Procedure Rules.

**D1. What special measures would be most appropriate for taking the evidence of this child witness?**

- ① You may select as many special measures as you think are appropriate.
- ☐ allowing the child witness to give evidence before an independent person
- ① This means that the child witness would give evidence before an independent person appointed by the court, rather than coming to court to give evidence.
- ☐ allowing the child witness to give evidence by live television link
- ☐ allowing the child witness to use a screen while giving evidence
- ☐ allowing the child witness to be supported by someone while giving evidence

**D2. Why do you think the special measures you have selected would be most appropriate for taking the evidence of this child witness?**

#### **E. VIEWS OF THE CHILD WITNESS AND PARENT**

- ① In completing this Notice, you must take into account the views of the child witness (if the child witness is of sufficient age and maturity to form a view) and the child witness's parent.
- ① The parent of a child witness is any person who has parental responsibilities within the meaning of section 1(3) of the Children (Scotland) Act 1995.
- ① Section 15(3)(a) of the Vulnerable Witnesses (Scotland) Act 2004 says that a child witness is presumed to be of sufficient age and maturity to form a view if aged 12 or older.
- ① Section 15(3)(b) says that if the views of the child witness and the views of the witness's parent are inconsistent, the views of the witness are to be given greater weight.

**E1. Has the child witness expressed a view about how they should give evidence?**

- ☐ Yes
- ① If the answer is 'yes', complete E3.
- ☐ No
- ① If the answer is 'no', complete E2.

**Status:** This is the original version (as it was originally made).

**E2. Why has the child witness not expressed a view about how they should give evidence?**

① Set out why no view has been expressed. For example:

- the child witness may not be of sufficient age or maturity to do so
- the child witness may not wish to do so

**E3. What are the views of the child witness?**

① Set out the views of the child witness. In particular, set out:

- whether the child witness wishes to use a special measure to give evidence
- the special measure that the child considers most appropriate
- whether the child witness wishes to give evidence without the benefit of any special measures

**E4. What are the views of the child witness's parent?**

① Set out the views of the child witness's parent. In particular, set out:

- whether the parent considers that the child witness should use a special measure to give evidence
- the special measure that the parent considers most appropriate
- whether the parent considers that the child witness should give evidence without the benefit of any special measures





FORM 11D

## The Simple Procedure Vulnerable Witness Application

This is a Vulnerable Witness Application.

It is used to ask the court to decide if a witness who is to give evidence in the simple procedure case is a vulnerable witness.

If the sheriff agrees that the witness is a vulnerable witness, it also asks the sheriff to authorise the use of special measures to take the vulnerable witness's evidence.

### 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

B1. What is your full name?

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

B2. What is your role in this case?

- ☐ Claimant
- ☐ Respondent

### C. THE APPLICATION

C1. What is the full name of the witness?

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

*Status: This is the original version (as it was originally made).*

Surname

**C2. Why do you think that the witness is a vulnerable witness?**

- ① You should set out the reasons why you think the witness is a vulnerable witness.
- ① The matters that the court must take into account in deciding whether the witness is a vulnerable witness are set out in section 11(2) of the Vulnerable Witnesses (Scotland) Act 2004.

**C3. When was this Application sent to the court?**

- ① Set out the date on which the Application was sent to the court (i.e. the date on which the email was sent, or the date on which the notice was posted).

**D. THE SPECIAL MEASURES**

- ① The special measures that the court may make are listed in rule 11.6 of the Simple Procedure Rules.

**D1. What special measures would be most appropriate for taking the evidence of the witness?**

- ① You may select as many special measures as you think are appropriate.
- ☐ allowing the witness to give evidence before an independent person
- ① This means that the witness would give evidence before an independent person appointed by the court, rather than coming to court to give evidence.
- ☐ allowing the witness to give evidence by live television link
- ☐ allowing the witness to use a screen while giving evidence
- ☐ allowing the witness to be supported by someone while giving evidence

**D2. Why do you think the special measures you have selected would be most appropriate for taking the evidence of the witness?**

#### **E. VIEWS OF THE WITNESS**

---

① In completing this Application, you must take into account the views of the witness.

##### **E1. Has the witness expressed a view about how they should give evidence?**

---

☐ **Yes**

① If the answer is 'yes', complete E3.

☐ **No**

① If the answer is 'no', complete E2.

##### **E2. Why has the witness not expressed a view about how they should give evidence?**

---

① Set out why no view has been expressed. For example, the witness may not wish to do so.

##### **E3. What are the views of the witness?**

---

① Set out the views of the witness. In particular, set out:

- whether the witness wishes to use a special measure to give evidence
- the special measure that the witness considers most appropriate

*Status: This is the original version (as it was originally made).*



FORM 11E

## The Simple Procedure Special Measures Review Application

This is a Special Measures Review Application.

It is used where the court has decided that a child witness or a vulnerable witness should use a special measure to give evidence.

Its purpose is to ask the court to change the arrangements that have been made for the witness to give evidence.

### 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

B1. What is your full name?

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

B2. What is your role in this case?

- ☐ Claimant
- ☐ Respondent

### C. ABOUT THE WITNESS

C1. What is the full name of the witness?

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

Surname

**C2. Is the witness a child witness or a vulnerable witness?**

- ☐ Child witness
- ☐ Vulnerable witness

**C3. What special measures has the court authorised to be used in taking the evidence of the witness?**

① Select as many special measures as the court has authorised.

- ☐ allowing the witness to give evidence before an independent person
- ☐ allowing the witness to give evidence by live television link
- ☐ allowing the witness to use a screen while giving evidence
- ☐ allowing the witness to be supported by someone while giving evidence

**D. THE APPLICATION**

**D1. How should the court change the current arrangements?**

① Set out the changes you want the court to make.

① The court may:

- vary a special measure
- add a new special measure
- substitute a new special measure for an existing one
- delete a special measure
- revoke the order authorising the use of special measures entirely

**D2. Why do you think the proposed changes would be most appropriate for taking the evidence of the witness?**

*Status: This is the original version (as it was originally made).*

**D3. When was this Application sent to the court?**

- ① Set out the date on which the Application was sent to the court (i.e. the date on which the email was sent, or the date on which the notice was posted).

**E. VIEWS OF THE WITNESS**

- ① In completing this Application, you must take into account the views of the witness.
- ① You only need to complete E4 if the witness is a child witness.
- The parent of a child witness is any person who has parental responsibilities within the meaning of section 1(3) of the Children (Scotland) Act 1995.
  - Section 15(3)(a) of the Vulnerable Witnesses (Scotland) Act 2004 says that a child witness is presumed to be of sufficient age and maturity to form a view if aged 12 or older.
  - Section 15(3)(b) says that if the views of the child witness and the views of the witness's parent are inconsistent, the views of the witness are to be given greater weight.

**E1. Has the witness expressed a view about the proposed changes to how they should give evidence?**

☐ Yes

- ① If the answer is 'yes', complete E3.

☐ No

- ① If the answer is 'no', complete E2.

**E2. Why has the witness not expressed a view about the proposed changes to how they should give evidence?**

- ① Set out why no view has been expressed. For example:
- a child witness may not be of sufficient age or maturity to do so
  - the witness may not wish to do so

**E3. What are the views of the witness?**

- ① Set out the views of the witness. In particular, set out whether the witness agrees with the proposed changes.

**E4. If the witness is a child witness, what are the views of the child witness's parent?**

- ① Set out the views of the child witness's parent. In particular, set out whether the parent agrees with the proposed changes.

*Status: This is the original version (as it was originally made).*



FORM 13A

## The Simple Procedure Decision Form

This is the Decision Form. It contains the terms of the decision that the sheriff has made at the end of the simple procedure case. Part 13 of the Simple Procedure Rules is about the decision of the sheriff.

This Decision Form can be used to enforce the decision made by the sheriff. Part 15 of the Simple Procedure Rules is about how to enforce this decision.

### THIS EXTRACT DECREE IS WARRANT FOR ALL LAWFUL EXECUTION THEREON.

Execution of this decree is not lawful:

- within 28 days from the date the Decision Form was sent
- where the decision is being appealed
- where the decision has been recalled.

#### A. ABOUT THE CASE

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

#### B. THE DECISION OF THE SHERIFF

① This part sets out the orders which the sheriff has made when deciding the case.



**C. EXPENSES**

- ① This part sets out any orders which the sheriff has made about the expenses of the case.

**D. SIGNATURE**

Signature of sheriff clerk

Date sent

**Status:** This is the original version (as it was originally made).



FORM 13B

## The Simple Procedure Application to Recall

Before completing this form, you should read rules 13.5 to 13.7 of the Simple Procedure Rules, which are about recalling a decision.

### If you are applying to have a decision recalled:

This is an Application to Recall.

You can use this Application to ask the sheriff to recall a decision made because of your failure to attend a hearing or take a step in simple procedure.

If the sheriff made a decision because you did not send a Response Form to court before the last date for a response, you must also include a completed Response Form with this application.

### If you have been sent this application:

This is an Application to Recall.

If the court grants this application then a decision made in this case may be recalled.

You have received this application because someone has applied to have a decision in a simple procedure case you are involved in recalled.

You must fill in part D of this application ('the reply') and return it to the court within 10 days of it being sent to you. The court will then do one of three things: recall the case, refuse to recall the case, or order a discussion in court.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

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**

- ① If you are the party replying to this application, do not fill in this part. You should fill in part D.

**C1. Why should this case be recalled?**

- ① The party making the application must set out why the court should recall the case.

**C2. When was this application sent to the court?**

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

- ① If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. What is your full name?**

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

**D2. Should this case be recalled?**

- ☐ Yes
- ☐ No

**D3. If you answered 'no', why should this case not be recalled?**

- ① If the party replying to the application objects to the case being recalled, they should set out why the court should not recall the case.

**Status:** This is the original version (as it was originally made).





FORM 15A

## The Simple Procedure Charge to Pay

This is a Charge to Pay. The purpose of this Charge to Pay is to give you one last chance to comply with a decision made in a simple procedure case.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT THE CHARGE

Name of sheriff officer

Address

Witness

Method of formal service

### C. ABOUT THE DECISION

- ① This Part contains information about the decision which the court made.
- ① You must comply with this decision the period set out below or there may be enforcement action taken against you and your property.
- ① If you do not comply with this decision, you may have your bank accounts frozen or earnings arrested. If you have debts amounting to over £3,000, you may be sequestrated (made bankrupt).
- ① Note that interest will continue to run on any sum set out below until you pay this sum.

Date of decision

**Status:** This is the original version (as it was originally made).

Details of decision

The sum now due to the claimant is:
Principal Sum
Interest to date
Expenses
TOTAL
Less paid
Agent's fee
Expenses of sheriff officer
TOTAL SUM NOW DUE

#### D. THE CHARGE

YOU ARE CHARGED TO COMPLY WITH THIS DECISION  
WITHIN

14 / 28 days

IF YOU ARE NOT SURE WHAT TO DO ABOUT THIS CHARGE YOU SHOULD CONSULT  
A SOLICITOR, CITIZENS ADVICE BUREAU OR OTHER LOCAL ADVICE AGENCY  
IMMEDIATELY



FORM 15B

## The Simple Procedure Alternative Decision Application

Before completing this form, you should read rule 15.5 of the Simple Procedure Rules, which is about applying to ask the court to make an alternative decision.

**If you are applying for an alternative order:**

This is an Alternative Decision Application. It can be used when the sheriff made a decision ordering the respondent to deliver something to the claimant or do something for the claimant. If the court alternatively ordered the respondent to pay the claimant a sum of money, then this application can be used to ask the court to make that order.

You must send fill in parts A, B and C of this application and send it to the court and to the other party in this case. So if you are the claimant, it must be sent to the respondent. If you are the respondent it must be sent to the claimant.

**A. ABOUT THE CASE**

Sheriff Court	<input type="text"/>
Claimant	<input type="text"/>
Respondent	<input type="text"/>
Case reference number	<input type="text"/>
Date of Decision Form	<input type="text"/>

**B. ABOUT YOU**

B1. 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"/>

B2. Which party in this case are you?

**Status:** This is the original version (as it was originally made).

☐ Claimant

☐ Respondent

**C. THE APPLICATION**

---

**C1. What alternative order should be made?**

---

- ① The party making the application must set out which alternative order for payment from the Decision Form the court is being asked to make.

**C2. Why should this alternative order be made?**

---

- ① The party making the application must set out why the court should make that alternative order for payment

**C3. When was this application sent to the court?**

---

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).





FORM 16A

## The Simple Procedure Appeal Form

Before completing this form, you should read Part 16 of the Simple Procedure Rules, which is about appeals.

This is an Appeal Form. You can use this to appeal the decision made by the sheriff at the end of a simple procedure case. You may only do this within 28 days from the Decision Form being sent.

### A. ABOUT THE CASE

Sheriff Court	<input type="text"/>
Claimant	<input type="text"/>
Respondent	<input type="text"/>
Case reference number	<input type="text"/>
Date of Decision Form	<input type="text"/>

### B. ABOUT YOU

B1. 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"/>

B2. Which party in the simple procedure case were you?

- ☐ Claimant
- ☐ Respondent

### C. GROUNDS OF APPEAL

① Set out the legal points which you want the Sheriff Appeal Court to consider in this appeal.

**Status:** This is the original version (as it was originally made).

- ① These must be points of law. You cannot appeal simply because you disagree with a matter of fact which the sheriff made a decision on.

I appeal to the Sheriff Appeal Court on the following points of law:

1.

2.

[...]



FORM 16B

## The Simple Procedure Appeal Report

This is an Appeal Report. It sets out the legal questions which the Sheriff Appeal Court will answer in this appeal.

### A. ABOUT THE CASE

Sheriff Court	<input type="text"/>
Claimant	<input type="text"/>
Respondent	<input type="text"/>
Case reference number	<input type="text"/>
Date of Decision Form	<input type="text"/>
Date of appeal	<input type="text"/>

### B. ABOUT THE DECISION

① Set out the factual and legal basis for the decision which you came to in this case.

### C. QUESTIONS FOR THE SHERIFF APPEAL COURT

① Set out the legal questions for the Sheriff Appeal Court to answer in this appeal.

**Status:** This is the original version (as it was originally made).

Signature

Sheriff of [sheriffdom] at [sheriff court]



FORM 17A

## The Simple Procedure CJEU Reference Form

Before completing this form, you should read rule 17.3 of the Simple Procedure Rules, which is about references to the CJEU.

This is the form of reference for a preliminary ruling of the Court of Justice of the European Union.

### A. ABOUT THE CASE

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

### B. THE REFERENCE

- ① Set out a clear and succinct statement of the case giving rise to the request for a ruling of the CJEU in order to enable the court to consider and understand the issues of EU law raised and to enable governments of Member States and other interested parties to submit observations.

Include:

- particulars of the parties
- the history of the dispute
- the relevant facts as agreed by the parties or found by the court or (failing such agreement or finding) the contentions of the parties
- the nature of the issues of law and fact between the parties
- the Scots law, so far as relevant
- the Treaty provisions, or other acts, instruments or rules of EU law concerned
- an explanation of why the reference is being made.

### C. THE QUESTIONS

C1. The preliminary ruling of the CJEU is accordingly requested on the following questions:

- ① Set out the question(s) on which a ruling is sought, identifying the Treaty provisions, or other acts, instruments or rules of EU law concerned.

**Status:** This is the original version (as it was originally made).





FORM 17B

## The Simple Procedure Application to Intervene

Before completing this form, you should read rules 17.4 and 17.5 of the Simple Procedure Rules, which are about interventions by the CEHR and SCHR.

This application is used by the Commission for Equality and Human Rights and the Scottish Commission for Human Rights to apply to be allowed to intervene in a simple procedure case.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

Date of application

### B. ABOUT THE INTERVENER

B1. Who is the proposed intervener in this case?

- ☐ The Commission for Equality and Human Rights
- ☐ The Scottish Commission for Human Rights

### C. ABOUT THE INTERVENTION

C1. Why is the Commission proposing to intervene?

- ① Set out the Commission's reasons for believing that the simple procedure case is relevant to a matter in connection with which the Commission has a function.

**Status:** This is the original version (as it was originally made).

**C2. What issue does the Commission want to address?**

- 
- ① Set out the issue in the simple procedure case which the Commission wants to address.

**C3. What intervention does the Commission want to make?**

- 
- ① Set out the propositions to be advanced by the Commission and the Commission's reasons for believing that they would assist the court.





FORM 17C

## The Simple Procedure Invitation to Intervene

This Invitation to Intervene is used by the sheriff to invite the Commission for Equality and Human Rights or the Scottish Human Rights Commission to intervene in a simple procedure case.

### A. ABOUT THE CASE

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

### B. ABOUT THE INVITATION

B1. Who is the sheriff inviting to intervene?

- ☐ The Commission for Equality and Human Rights
- ☐ The Scottish Commission for Human Rights

### C. THE INVITATION

C1. What is the simple procedure case about?

- ① Set out briefly the facts, procedural history and issues in the simple procedure case.

C2. What is the sheriff inviting the Commission to address in an intervention?

- ① Set out the issue(s) in the simple procedure case on which the court would like a submission.

*Status: This is the original version (as it was originally made).*



FORM 17D

## The Simple Procedure Application to Change a Damages Management Order

**If you are applying for the sheriff to make orders:**

This is an Application to Change a Damages Management Order.

It is used where the court has made a damages management order (which is about how a sum of money awarded as damages is to be paid to and managed for a person under a legal disability), but you want the court to change the order.

You must fill in parts A, B and C of this application and send it to the court. If you are one of the parties, you must send a copy to the other party in this case. If you are an interested person, you must send a copy to every party.

**If you have been sent this Application:**

This is an Application to Change a Damages Management Order.

If the court grants this application, the damages management order will be changed as proposed in the application.

You have received the application because you are one of the parties in the case.

You must fill in part D of this application ('the reply') and return it to the court within 10 days of it being sent to you.

The court will then either grant the application and send written orders to the parties and the interested person, refuse the application and make no orders, or order you to appear at a discussion in court where the sheriff will consider whether to make any orders.

### 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

---

### B1. What is your full name?

---

Name

Middle name

Surname

### B2. Which is your role in this case?

---

- ☐ Claimant
- ☐ Respondent
- ☐ Interested person

### B3. If you are an interested person, what is your interest in this case?

---

- ① Explain why you have an interest in this case. For example:
- the damages management order might tell you to do certain things
  - you might be responsible for looking after the person to whom the damages have been awarded.

## C. THE APPLICATION

---

- ① If you are replying to this application, do not fill in this part. You should fill in part D.

### C1. How should the court change the damages management order?

---

- ① Set out the changes you want the court to make. For example, you could ask the court to:
- appoint someone else to manage the money
  - order the money to be paid directly to the person under legal disability.

**Status:** This is the original version (as it was originally made).

**C3. Why should the court change the damages management order?**

- ① Set out why the court should change the damages management order.

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

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

- ① If you are the person making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. What is your full name?**

Name	<div></div>
Middle name	<div></div>
Surname	<div></div>
Trading name or representative capacity (if any)	<div></div>

**D2. Should the court change the damages management order?**

- ☐ Yes
- ☐ No

**D3. If you answered 'no', why should the court not change the damages management order?**

- ① If you object to the proposed order, you should set out why the court should not change the damages management order.



FORM 17E

## The Simple Procedure Application for Instructions about a Damages Management Order

**If you are applying for the sheriff to make orders:**

This is an Application for Instructions about a Damages Management Order.

It is used where the court has made a damages management order (which is about how a sum of money awarded as damages is to be paid to and managed for a person under a legal disability) and you want the court to tell the person appointed to manage the money how to go about doing that.

You must fill in parts A, B and C of this application and send it to the court. If you are one of the parties, you must send a copy to the other party in this case. If you are an interested person, you must send a copy to every party.

**If you have been sent this Application:**

This is an Application for Instructions about a Damages Management Order.

If the court grants this application, the court will give instructions about how to manage the money to the person appointed to manage it.

You have received the application because you are one of the parties in the case or because you are the guardian appointed to manage the money.

You must fill in part D of this application ('the reply') and return it to the court within 10 days of it being sent to you.

The court will then either grant the application and send written instructions to the parties, the interested person and the sheriff clerk or guardian, refuse the application and make no orders, or order you to appear at a discussion in court where the sheriff will consider whether to give .

### A. ABOUT THE CASE

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

**Status:** This is the original version (as it was originally made).

## B. ABOUT YOU

### B1. What is your full name?

Name

Middle name

Surname

### B2. Which is your role in this case?

- ☐ Claimant
- ☐ Respondent
- ☐ Interested person

### B3. If you are an interested person, what is your interest in this case?

① Explain why you have an interest in this case. For example:

- the damages management order might tell you to do certain things
- you might be responsible for looking after the person to whom the damages have been awarded.

## C. THE APPLICATION

① If you are replying to this application, do not fill in this part. You should fill in part D.

### C1. What instructions about the damages management order should the court give?

① Set out the proposed instructions you want the court to give. For example, you could ask the court to give instructions about how the money is to be spent or invested.

**C3. Why should the court give instructions about the damages management order?**

- ① Set out why the court should give the proposed instructions.

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

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

- ① If you are the person making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. What is your full name?**

Name	<div></div>
Middle name	<div></div>
Surname	<div></div>
Trading name or representative capacity (if any)	<div></div>

**D2. Should the court give instructions about the damages management order?**

- ☐ Yes
- ☐ No

**D3. If you answered 'no', why should the court not give instructions about the damages management order?**

- ① If you object to the proposed instructions, you should set out why the court should not give them.

*Status: This is the original version (as it was originally made).*



FORM 17F

## The Simple Procedure Application for a Child's Property Administration Order

**If you are applying for the sheriff to make orders:**

This is an Application for a Child's Property Administration Order.

It is used where the court has made an order under section 13 of the Children (Scotland) Act 1995 (section 13 is about the payment and management of money to (or for the benefit of) a child).

You must fill in parts A, B and C of this application and send it to the court. If you are one of the parties, you must send a copy to the other party in this case. If you are an interested person, you must send a copy to every party.

**If you have been sent this Application:**

This is an Application for a Child's Property Administration Order.

If the court grants this application, it will make the proposed order which regulates how the child's property is to be administered.

You have received the application because you are one of the parties in the case.

You must fill in part D of this application ('the reply') and return it to the court within 10 days of it being sent to you.

The court will then either grant the application and send written orders to the parties and the interested person, refuse the application and make no orders, or order you to appear at a discussion in court where the sheriff will consider whether to make any orders.

### 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

### B1. What is your full name?

Name

Middle name

Surname

### B2. Which is your role in this case?

- ☐ Claimant
- ☐ Respondent
- ☐ Interested person

### B3. If you are an interested person, what is your interest in this case?

- ① Explain why you have an interest in this case: see section 11(3) of the Children (Scotland) Act 1995.

## C. THE APPLICATION

- ① If you are replying to this application, do not fill in this part. You should fill in part D.

### C1. What order should the court make about administering the child's property?

- ① Set out the things you want the Child's Property Administration Order to contain.

### C3. Why should the court make the Child's Property Administration Order?

- ① Set out why the court should make the proposed order.

**Status:** This is the original version (as it was originally made).

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

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

**D. THE REPLY**

- ① If you are the person making this application, do not fill in this part. You should fill in parts A, B and C.

**D1. 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"/>

**D2. Should the court make the proposed Child's Property Administration Order?**

- ☐ Yes
- ☐ No

**D3. If you answered 'no', why should the court not make the Child's Property Administration Order?**

- ① If you object to the proposed order, you should set out why the court should not make it.



FORM 19A

## The Simple Procedure Translation Certificate

Before completing this form, you should read Part 19 of the Simple Procedure Rules, which is about international service.

This is a Translation Certificate. It is used to confirm to the court that a document which is formally served in a foreign country has been correctly translated into an official language of the foreign country. It is completed by the translator.

It must be sent to the court at the same time as the Confirmation of Service Notice (or the certificate given by the person who served the document abroad).

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

B2. What is your address?

Address

Town

Postcode

B3. What are your professional qualifications?

**Status:** This is the original version (as it was originally made).

① Fill in information about your qualifications as a translator.

**C. DECLARATION**

① You must certify that your translation is a correct translation of the Form or Notice.

☐ I certify that the translation of the Form or Notice is a correct translation.



FORM 19B

## The Simple Procedure Method of Service Abroad Certificate

Before completing this form, you should read Part 19 of the Simple Procedure Rules, which is about international service.

This is a Method of Service Abroad Certificate. It is used to tell the court about the way a document has been served in a foreign country. It is only used if no other method of service is available. It must be completed by a person who practises (or has practised) law in that country, or by a representative of that country's government.

### 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

B1. What is your full name?

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

B2. What is your address?

Address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>

B3. What is your qualification to provide this certificate?

**Status:** This is the original version (as it was originally made).

- ☐ I practice law in: [country where Form or Notice served]
- ☐ I practised law in: [country where Form or Notice served]
- between these dates: [dates when in practice]
- ☐ I am a representative of the government of: [country where Form or Notice served]

### C. ABOUT THE FORMAL SERVICE

#### C1. Who was the document served on?

- ① You must identify the person on whom it was served.

#### C2. Who served it?

- ① You must give the following information about the person who served it:

- the person's full name
- the person's address
- the capacity in which the person served the Form or Notice

#### C3. How was it served?

- ① You must describe the method of service used.

### D. DECLARATION

- ① You must certify that the method of service used is in accordance with the law of the country where the document has been served.

- ☐ I certify that the method by which the document was served is in accordance with the law of the country where it was served.



FORM 20A

## The Simple Procedure Provisional Orders Application

**If you are applying for the sheriff to make orders:**

This is a Provisional Orders Application.

You can use this Application to ask the court to make orders that will protect your position until the sheriff makes a final decision in this case.

If you are asking the court to make a provisional order **without a provisional orders hearing**, you do not have to send the Application to anyone except the court.

Otherwise, you have to send a copy of the Application to the respondent and every interested person as well as sending it to the court.

**If you have been sent this Application:**

This is a Provisional Orders Application.

The claimant has asked the court to make orders to protect the claimant's position until the sheriff makes a final decision in this case.

The sheriff must hear from the claimant, the respondent and any interested person at a provisional orders hearing before deciding whether to make the provisional orders.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT THE CLAIMANT

B1. What is your full name?

Name

Middle name

Surname

*Status: This is the original version (as it was originally made).*

Trading name or  
representative capacity (if  
any)

### C. THE APPLICATION

- ① You should complete this Part, Part D and Part F.
- ① Only complete Part E if you are asking for an arrestment on the dependence.

#### C1. What type of provisional order would you like the court to make?

- ☐ an arrestment on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987
  - ① This is an order freezing the respondent's goods or money held by a third party.
- ☐ an inhibition on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987
  - ① This is an order preventing the respondent from selling their home or other land, or taking out a secured loan.
- ☐ an interim attachment under section 9A(1) of the Debt Arrangement and Attachment (Scotland) Act 2002
  - ① This is an order preventing the respondent from selling or removing their goods.

#### C2. Why should the court make this provisional order?

- ① The court will have to be satisfied about certain matters before it makes the order. The matters that are considered depend on the type of order and on whether you are asking the court to make the order without holding a provisional orders hearing or not.
  - If you are asking for arrestment or inhibition on the dependence and you want the court to make a decision about the application without a hearing, see section 15E(2) of the Debtors (Scotland) Act 1987.
  - If you are asking for arrestment or inhibition on the dependence and you want the court to make a decision about the application at a hearing, see section 15F(3) of the Debtors (Scotland) Act 1987.
  - If you are asking for an interim attachment and you want the court to make a decision without a hearing, see section 9D(2) of the Debt Arrangement and Attachment (Scotland) Act 2002.
  - If you are asking for an interim attachment and you want the court to make a decision at a hearing, see section 9E(3) of the Debt Arrangement and Attachment (Scotland) Act 2002.



#### **D. HOW THE APPLICATION SHOULD BE DEALT WITH**

---

##### **D1. How do you want the court to deal with your Application?**

---

☐ I want the court to consider whether to grant the Application without holding a hearing

① Please complete D2.

☐ I want the court to hold a hearing before deciding whether to grant the Application

##### **D2. If the court refuses to grant the Application without holding a hearing, what should happen to the Application?**

---

① You can decide to go ahead with a hearing where the sheriff will decide whether to grant the Application after hearing from you, the respondent and any interested person. If you do not want a hearing, the Application will be refused.

☐ I want the court to arrange a hearing

☐ I do not want the court to arrange a hearing

#### **E. ARRESTMENT ON THE DEPENDENCE: INFORMATION ABOUT THIRD PARTY**

---

① You should only complete this part of the Application if you are asking for an arrestment on the dependence.

① The third party is the person who holds goods or money that belongs to the respondent.

##### **E1. Is the third party an individual, a company or an organisation?**

---

☐ An individual (including a sole trader)

① Please complete E2.

☐ A company or organisation

① Please complete E3.

##### **E2. What is the third party's full name?**

---

① If the third party is an individual trading under a business name, please also give that name.

Name

Middle name

Surname

Trading name (if any)

##### **E3. What is the third party's company name or organisation name?**

---

① If the third party is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.

① You can check the name of a company on the Companies House website.

**Status:** This is the original version (as it was originally made).

Name	<input type="text"/>
Company type	<input type="text"/>
Company registration number (if limited company or LLP)	<input type="text"/>
Trading name (if any)	<input type="text"/>

**E4. What are the third party's contact details?**

Address	<input type="text"/>
City	<input type="text"/>
Postcode	<input type="text"/>
Email address	<input type="text"/>

**F. INTERESTED PERSONS**

① This Part tells the court about any person who has an interest in the Application.

① You do not need to include details for:

- the respondent
- anyone whose details you have given in Part E.

**F1. Does any person have an interest in the Application?**

☐ Yes

☐ No

**F2. Is the interested person an individual, a company or an organisation?**

☐ An individual (including a sole trader)

① Please complete F3.

☐ A company or organisation

① Please complete F4.

**F3. What is the interested person's full name?**

① If the interested person is an individual trading under a business name, please also give that name.

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

**F4. What is the interested person's company name or organisation name?**

**Status:** This is the original version (as it was originally made).

① If the interested person is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.

① You can check the name of a company on the Companies House website.

Name

Company type

Company registration  
number (if limited company  
or LLP)

Trading name (if any)

**F5. What are the interested person's contact details?**

---

Address

City

Postcode

Email address

**Status:** This is the original version (as it was originally made).



FORM 20B

## The Simple Procedure Provisional Orders Hearing Notice

The claimant has asked the court to make orders to protect the claimant's position until the sheriff makes a final decision in this case.

The sheriff has arranged a hearing about that application. The sheriff has also ordered the claimant to tell you about the date, time and place where the hearing will be held so that you can make your views known to the sheriff.

### A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

### B. ABOUT THE RECIPIENT

B1. Who is this Notice being sent to?

Name

Middle name

Surname

Trading name or  
representative capacity (if  
any)

B2. What is that person's role in this case?

☐ Respondent

☐ Interested person

### C. ABOUT THE HEARING

---

#### C1. What type of hearing has the sheriff arranged?

---

☐ A provisional orders hearing

① This is a hearing under section 15F of the Debtors (Scotland) Act 1987 or section 9E of the Debt Arrangement and Attachment (Scotland) Act 2002.

☐ A provisional orders review hearing

① This is a hearing under section 15K of the Debtors (Scotland) Act 1987 or section 9M of the Debt Arrangement and Attachment (Scotland) Act 2002.

#### C2. When will the hearing take place?

---

Date of hearing

Time of hearing

#### C3. Where will the hearing take place?

---

Place of hearing

**Status:** This is the original version (as it was originally made).



FORM 20C

# The Simple Procedure Provisional Orders Reconsideration Application

**If you are applying for the sheriff to reconsider a provisional order:**

This is a Provisional Orders Reconsideration Application.

You can use this Application to ask the court to reconsider a provisional order.

If you are the respondent, you have to send the Application to the court, the claimant and any interested person.

If you are an interested person, you have to send the Application to the court, the claimant, the respondent and any other interested person.

The court will then arrange a provisional orders review hearing. At the hearing, the sheriff must give anyone who was sent the Application an opportunity to be heard before deciding whether to make an order reconsidering the provisional order.

**If you have been sent this Application:**

This is a Provisional Orders Reconsideration Application.

The respondent or an interested person has asked the court to reconsider a provisional order.

The court will arrange a provisional orders review hearing. At the hearing, you will have an opportunity to be heard before the sheriff decides whether to make an order reconsidering the provisional order.

**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

---

### B1. What is your full name?

Name

Middle name

Surname

### B2. What is your role in this case?

- ☐ Respondent
- ☐ Interested party

## C. THE APPLICATION

---

### C1. What type of provisional order would you like the court to reconsider?

- ☐ an arrestment on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987
- ① This is an order freezing the respondent's goods or money held by a third party.
- ☐ an inhibition on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987
- ① This is an order preventing the respondent from selling their home or other land, or taking out a secured loan.
- ☐ an interim attachment under section 9A(1) of the Debt Arrangement and Attachment (Scotland) Act 2002
- ① This is an order preventing the respondent from selling or removing their goods.

### C2. When was the provisional order made?

- ① Set out the date on which the court made the provisional order?

**Status:** This is the original version (as it was originally made).

**C3. What do you want the court to do with the provisional order?**

---

- ① Set out the way in which you want the court to reconsider the provisional order.
- If the order was made under section 15A(1) of the Debtors (Scotland) Act 1987, section 15K of that Act sets out what the court can do on reconsidering it.
  - If the order was made under section 9A(1) of the Debt Arrangement and Attachment (Scotland) Act 2002, section 9M of that Act sets out what the court can do on reconsidering it.

**C4. Why should the court reconsider the provisional order?**

---

- ① You must set out why the court should reconsider the provisional order.





FORM 20D

## The Simple Procedure Arrestment Notice

This is an Arrestment Notice. It is used when the court makes a provisional order and the provisional order is an arrestment on the dependence.

The purpose of the Arrestment Notice is to inform the third party who holds the respondent's goods or money that they have been frozen by the court. It is formally served on that person by a sheriff officer.

### 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 THE THIRD PARTY

B1. Is the third party an individual, a company or an organisation?

☐ An individual (including a sole trader)

① Please complete B2.

☐ A company or organisation

① Please complete B3.

B2. What is the third party's full name?

① If the third party is an individual trading under a business name, please also give that name.

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

**Status:** This is the original version (as it was originally made).

### B3. What is the third party's company name or organisation name?

- ① If the third party is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.

- ① You can check the name of a company on the Companies House website.

Name

Company type

Company registration number (if limited company or LLP)

Trading name (if any)

### B4. What are the third party's contact details?

Address

City

Postcode

Email address

### C. PROTECTED MINIMUM BALANCE

- ① Section 73F of the Debtors (Scotland) Act 1987 prevents the arrestment of money held by a bank or other financial institution below a certain minimum balance if various conditions are met.

- ① This Part of the Form identifies whether the Protected Minimum Balance applies to this arrestment.

#### C1. Is the respondent an individual?

☐ Yes

- ① Please complete C2.

☐ No

- ① The Protected Minimum Balance does not apply. Go to Part D.

#### C2. Is the third party a bank or other financial institution?

- ① See section 73F(5) of the Debtors (Scotland) Act 1987 for a definition of bank or other financial institution.

☐ Yes

- ① Please complete C3.

☐ No

- ① The Protected Minimum Balance does not apply. Go to Part D.

**C3. Is the bank account one to which section 73F of the Debtors (Scotland) Act 1987 applies?**

☐ See section 73F(2).

☐ Yes

☐ The Protected Minimum Balance applies. Please complete C4.

☐ No

☐ The Protected Minimum Balance does not apply. Go to Part D.

**C4. If it applies, what is the Protected Minimum Balance?**

☐ Insert the Protected Minimum Balance, which is calculated in accordance with section 73F(4).

Protected Minimum Balance, if applicable.

**D. ABOUT THE ARRESTMENT ON THE DEPENDENCE**

Date of order for arrestment  
on the dependence

Name of sheriff officer

Address

Witness

Method of formal service

Date of formal service

**IN HER MAJESTY'S NAME AND AUTHORITY AND IN NAME AND AUTHORITY OF THE SHERIFF, the sheriff officer arrests in your hands:**

- any moveable property that belongs to the respondent, and
- the following sum of money, more or less, that is due by you to the respondent or to another person on behalf of the respondent

Sum arrested

The sum arrested, in excess of the Protected Minimum Balance where applicable.

**D. DUTIES OF THE THIRD PARTY**

**D1. Compliance with the arrestment**

You must retain anything that has been arrested in your hands under arrestment until one of the following things happens:

*Status: This is the original version (as it was originally made).*

- the court makes an order transferring them to the claimant, or
  - the court makes another order telling you what to do with them.
- ① You should take legal advice before you hand over any goods to the respondent or pay any money to the respondent or someone else on behalf of the respondent.

#### D2. Duty of disclosure

---

- ① Section 73G of the Debtors (Scotland) Act 1987 requires you to disclose certain information to the claimant.

You must disclose to the claimant the nature and value of the goods and money which have been attached by this arrestment.

You must do this within the period of 3 weeks beginning with the day on which this arrestment is formally served on you.

You must make your disclosure using the form in Schedule 8 to the Diligence (Scotland) Regulations 2009.

You must also send a copy of the disclosure to:

- the respondent, and
- so far as known to you, any other relevant person.

A relevant person is someone (either solely or in common with the respondent):

- who owns or claims to own the attached goods, or
- to whom the attached money is or is claimed to be due.

- ① Failure to comply with this duty may lead to a financial penalty under section 73H of the Debtors (Scotland) Act 1987.

- ① Failure to comply may also be dealt with as a contempt of court.

**If you wish further advice, please contact any Citizens Advice Bureau, local advice centre, sheriff clerk or solicitor.**



FORM 20E

## The Simple Procedure Confirmation of Formal Service of Arrestment Notice

This is a Confirmation of Formal Service of an Arrestment Notice. It is used to inform the court when and how an Arrestment Notice has been formally served.

It must be completed and sent to the court whenever a sheriff officer formally serves an Arrestment Notice.

### 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 THE SHERIFF OFFICER

B1. What is your full name?

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

### C. ABOUT FORMAL SERVICE OF ARRESTMENT NOTICE

C1. Who did you formally serve the Arrestment Notice on?

① You must identify the person who you were required to serve something on.

<input type="text"/>
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**Status:** This is the original version (as it was originally made).

**C2. How did you formally serve it?**

① You must describe the method of formal service used.

- ☐ By a next-day postal service which records delivery
- ☐ Delivering it personally
- ☐ Leaving it in the hands of a resident or employee
- ☐ Depositing it in a home or place of business by letter box or another lawful way
- ☐ Leaving it at a home or place of business in a way likely to come to the person's attention
- ☐ Other

① If you have selected 'Other' or need to give more details about the manner of formal service, please set this out below.

**C3. When did you formally serve it?**

① You must identify when service was performed.

### SCHEDULE 3

Paragraph 3(1)

#### Standard Orders



## The Simple Procedure Order of the Sheriff

Response Form received: ordering a case management discussion

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

The responding party 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.

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

**Status:** This is the original version (as it was originally made).

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 responding party 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]





## The Simple Procedure Order of the Sheriff

Response Form received: ordering a hearing

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<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]

**Status:** This is the original version (as it was originally made).

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]



## The Simple Procedure Order of the Sheriff

Response Form received: considering making a decision without a hearing

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<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.

### 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

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

**Status:** This is the original version (as it was originally made).

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]



## The Simple Procedure Order of the Sheriff

Response Form received: making a decision without a hearing

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<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

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:

2. [list]

**Status:** This is the original version (as it was originally made).

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:

2. [list]

**Notes of argument**

Parties are **ordered** to send the court notes of argument at least 14 days before [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 hearing date, as the sheriff considers them necessary to support their claim:

2. [list]

The respondent is **ordered** to 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:

2. [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]



## The Simple Procedure Order of the Sheriff

Transferring a case between courts

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<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]

*Status: This is the original version (as it was originally made).*



## The Simple Procedure Order of the Sheriff

Unless order

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

### 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 responding party.

Signed by:

<input type="text"/>
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Sheriff of [sheriffdom] at [sheriff court]





## The Simple Procedure Order of the Sheriff

Application to Pause

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<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.]*

### Refusing a Pausing Order

**Status:** This is the original version (as it was originally made).

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]



## The Simple Procedure Order of the Sheriff

Application to Restart

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<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.

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

**Status:** This is the original version (as it was originally made).

[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]



## The Simple Procedure Order of the Sheriff

Paused case – unless order

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<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).

**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]



## The Simple Procedure Order of the Sheriff

Order to recover documents

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<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.

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

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.

**Status:** This is the original version (as it was originally made).

### 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

Middle name

Surname

Trading name or  
representative capacity (if  
any)

#### B. DECLARATIONS

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


① Tick the box next to the appropriate declaration.



- ☐ I enclose the following documents. [list documents enclosed with the reply]  
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: [set out the documents, the date on which you last saw them and the details of the person who you believe possesses 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).*



## The Simple Procedure Order of the Sheriff

Special order to recover documents

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

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.

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

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]

*Status: This is the original version (as it was originally made).*



## The Simple Procedure Order of the Sheriff

Ordering an expenses hearing

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

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

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Court ref no:	<input type="text"/>

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.

**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]

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## EXPLANATORY NOTE

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

This Act of Sederunt makes provision about the procedure to be followed in simple procedure cases. It comes into force on 28 November 2016, when the first set of cases will become subject to simple procedure. Those will be cases which formerly would have proceeded as a small claim, but which have a value of £5,000 or less.

### *The Act of Sederunt*

Paragraph 2 introduces the Simple Procedure Rules in Schedule 1 (“the Rules”) and the forms for use with simple procedure in Schedule 2. It also provides for the Scottish Courts and Tribunals Service (“SCTS”) to be able to adapt those forms for use with the litigation portal on the SCTS website.

Paragraph 3 contains interpretation provision for the Rules, including provision which renames certain aspects of civil procedure, such as the use of the word ‘pause’ for ‘sist’.

Paragraph 4 provides for certain steps in simple procedure to be warrant for taking certain actions.

Paragraph 5 provides for arrestments to found jurisdiction in simple procedure.

### *Schedule 1 – The Simple Procedure Rules*

Part 1 of the Rules is an overview of simple procedure, the principles of simple procedure, the persons involved in a simple procedure case and their responsibilities.

Part 2 of the Rules is about who may represent a party, and what that representative may and may not do. It is also about who may provide support to a party in the courtroom, and what that courtroom supporter may and may not do.

Part 3 of the Rules is about how the claimant makes a claim and what the court will do with that claim.

Part 4 of the Rules is about how the respondent responds to a claim and what the court will do with that response.

Part 5 of the Rules is about how the respondent may ask for time to pay if a claim for payment of a sum of money is admitted, and how the claimant can consent or object to that.

Part 6 of the Rules is about what has to be done when the Rules require something to be sent to someone. It is also about what has to be done when the Rules require a document to be formally served on someone.

Part 7 of the Rules is about what happens after a Response Form has been received and what happens if no Response Form is received.

Part 8 of the Rules is about the orders which the sheriff can give to manage or decide a case.

Part 9 of the Rules is about applications which parties may make to the court to ask for things to be done in a case.

Part 10 of the Rules is about how the parties should lodge documents and other evidence with the court before a hearing. It is also about how parties can apply for orders to recover documents from other people.

Part 11 of the Rules is about the citation of witnesses and their attendance at hearings. It is also about measures that the court can take to assist vulnerable witnesses in giving evidence.

Part 12 of the Rules is about the hearing at which the dispute between the parties should be resolved.

Part 13 of the Rules is about the decisions which the sheriff can make to resolve a dispute. It is also about the circumstances in which a party can apply to have a decision recalled.

Part 14 of the Rules is about the expenses of a claim which the sheriff can order a party to pay for.

Part 15 of the Rules is about when and by whom a decision can be enforced. It is also about the steps which a successful claimant must take to enforce a decision.

Part 16 of the Rules is about how a party can appeal a decision and how the sheriff and Sheriff Appeal Court will deal with an appeal.

Part 17 of the Rules is about some miscellaneous matter which can arise during a case.

Part 18 of the Rules is about how to formally serve a document on someone living in Scotland.

Part 19 of the Rules is about how to formally serve a document on someone outside Scotland.

Part 20 of the Rules is about provisional orders which protect or secure the claimant's position before the sheriff makes a final decision in a case.

Part 21 of these Rules contains a guide for litigants, lay representatives and courtroom supporters to the meaning of certain legal words and expressions used in these rules.

#### *Schedule 2 – Forms*

Schedule 2 contains the forms for use with simple procedure.

#### *Schedule 3 – Standard Orders*

Schedule 3 contains standard orders which the sheriff may use in a simple procedure case.