

# The Simple Procedure Rules

## Contents

<i>Rules</i>	<i>Page</i>
<b>Part 1 The simple procedure</b>	
1 <i>The simple procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes.</i>	
2 What are the principles of simple procedure?	1
3 Who takes part in a simple procedure case?	1
4 What must the sheriff do?	1
5 What must parties do?	1
6 What must representatives do?	2
7 What are the sheriff's powers?	2
<b>Part 2 Representation and support</b>	
1 <i>This Part is about who can represent a party, and what that representative can and can't do.</i>	
<i>This Part is also about who can provide support to a party, and what that supporter can and can't do.</i>	
2 Who can be a representative?	4
3 Who is entitled by these rules to act as a lay representative?	4
4 What can a representative do?	4
5 Who can be a lay supporter?	4
6 What can a lay supporter do?	5
<b>Part 3 Making a claim</b>	
1 <i>This Part is about how the claimant makes a claim and what the court will do with that claim.</i>	
2 How do you make a claim?	6
3 What has to go in the Claim Form?	7
4 What will the court do with the Claim Form?	8
<b>Part 4 Responding to a claim</b>	
1 <i>This Part is about how the responding party responds to a claim and what the court will do with that response.</i>	
2 How do you respond to a claim?	9
3 What has to go in the Response Form?	10
4 What will the court do with the Response Form?	10

5	What is a counterclaim?	10
6	How do you make a counterclaim?	10
7	How can you apply to settle the claim in instalments or by a deferred lump sum?	11
<b>Part 5 Sending and service</b>		
1	<i>This Part is about what you have to do when these Rules requires something to be sent to someone.</i>	
	<i>This Part is also about what you have to do when these Rules require something to be served on someone.</i>	
2	What is the difference between sending something and serving something on someone?	12
3	How can you send something to someone?	12
4	How can you serve a Form or Notice on someone?	12
5	What if service by first-class recorded delivery post does not work?	13
6	What if the responding party's address is not known?	14
7	How do you serve a Form or Notice on someone who lives outside Scotland, but in the rest of the United Kingdom?	14
8	What if the sheriff considers that service of the Claim Form has not been done properly?	15
9	Can a responding party object at a hearing to how service was done?	15
<b>Part 6 The first consideration of a case</b>		
1	<i>This Part is about how the sheriff will first consider and manage a case.</i>	
2	When will the sheriff first consider a case?	16
3	What will the sheriff do when first considering a case?	16
4	What if no Response Form has been received by the court?	16
5	What if the parties settle the claim before the last date for a response?	16
6	What will be in the sheriff's first written orders?	16
<b>Part 7 Orders of the sheriff</b>		
1	<i>This part is about the orders which the sheriff can give to manage a case.</i>	
2	What are orders?	18
<b>Part 8 Applications by the parties</b>		
1	<i>This Part is about applications which parties may make to the court to ask for things to be done in a case.</i>	
2	What happens if the progress of a case is frozen?	19
3	How can a party ask for the progress of a case to be frozen?	19
4	How can a party ask for the progress of a case to be unfrozen?	19

5	What can the court do with a frozen case?	19
6	How can a party ask to amend the Claim Form or Response Form?	20
7	How can a claimant abandon a claim?	20
8	How can a person become an additional responding party in a case?	20
9	What can happen if a party dies or becomes incapacitated?	21
<b>Part 9 Documents and other evidence</b>		
1	<i>This Part is about how the parties are to lodge documents with the court before the hearing.</i>	
2	What documents and other evidence can a party bring to a hearing?	22
3	How can you lodge documents and other evidence with the court?	22
4	How can other parties borrow or inspect documents and other evidence lodged with the court?	22
5	How long will the court keep documents and other evidence for?	22
<b>Part 10 Witnesses</b>		
1	<i>This Part is about the citation of witnesses and their attendance at hearings.</i>	
	<i>This Part is also about how the court treats vulnerable witnesses.</i>	
2	How can a witness be cited to appear at a hearing?	24
3	What if a witness who has been cited fails to appear at a hearing?	24
4	How will the court treat a child witness?	24
5	How will the court treat other vulnerable witnesses?	24
6	What are special measures?	25
7	How can a party ask the court to review the arrangements for a child witness or a vulnerable witness?	25
8	What happens when evidence is to be given before an independent person?	26
<b>Part 11 The hearing</b>		
1	<i>This Part is about the hearing at which the sheriff will consider the case.</i>	
2	What is the purpose of the hearing?	27
3	How will the dispute between the parties be resolved?	27
4	What will the sheriff do at the hearing?	27
<b>Part 12 The decision</b>		
1	<i>This Part is about the decision which the sheriff will make to resolve a case.</i>	
	<i>This Part is also about the circumstances in which a party can apply to have that decision revoked.</i>	
2	When must the sheriff make a decision?	28

3	How will the sheriff make a decision?	28
4	How can a decision of the sheriff be revoked?	28
5	What happens when a party applies to have a decision of the sheriff revoked?	29
6	When can you get a copy of the Decree Form?	29
<b>Part 13 Other matters</b>		
1	<i>This Part is about a number of procedural matters which can arise during the course of a case and how they will be dealt with.</i>	
2	How can a case be transferred out of the simple procedure?	30
3	How can the sheriff make a reference to the Court of Justice of the European Union?	30
4	How can the Commission for Equality and Human Rights (“CEHR”) and the Scottish Commission for Human Rights (“SCHR”) intervene?	30
5	What can the CEHR and the SCHR do in an intervention?	31
<b>Part 14 Appeals</b>		
1	<i>This Part is about how a party can appeal against the decision of the sheriff and how the sheriff and Sheriff Appeal Court must deal with an appeal.</i>	
2	How can you appeal the sheriff’s decision?	32
3	How is an appeal dealt with in the sheriff court?	32
4	How is an appeal dealt with in the Sheriff Appeal Court?	32
<b>Part 15 Forms</b>		
	Lay Representation Form	36
	Claim Form	38
	Response Form	47
	Counterclaim Form	55
	Confirmation of Service Notice	59
	Claim Service Notice	60
	Application for a Decision	61
	Time to Pay Application	...
	Application to Freeze	63
	Application to Unfreeze	66
	Application to Amend	...
	Application to Abandon	...
	Additional Responding Party Application	...
	Application to Represent	...

Witness Citation Notice	...
Child Witness Application	...
Vulnerable Witness Application	...
Special Measures Review Application	...
Decree Form	69
Application to Revoke	70
CJEU Reference Form	...
Application to Intervene	...
Appeal Form	...
<b>Part 16 Standard orders</b>	
Response Form received: ordering a hearing	73
Response Form received: ordering a case management conference	75
Response Form received: dismissing a claim or part of a claim	...
Response Form received: asking parties whether a decision can be made with no hearing	...
Transferring a case between courts	77
Re-service	...
Application to Freeze	78
Application to Unfreeze	80
Frozen case: unless order	82
Additional Responding Party Application	...
Decision: dismissing a claim	83
Decision: ordering the responding party to pay the claimant a sum of money	84
Decision: ordering the responding party to deliver something to the claimant	85
Decision: ordering the responding party to do something for the claimant	86
Decision: absolving the responding party	87
Decision: unless order	88
<b>Part 17 The interpretation of these Rules and administrative matters</b>	
Interpreting these Rules	89
The duties and powers of the sheriff clerk	91
Warrants	91

## **Part 1: The simple procedure**

### **What is the simple procedure?**

- 1.1 The simple procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes.

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

- 2.1 Cases are to be resolved as quickly as possible, at the least expense to parties and the courts.
- 2.2 The approach of the court to a case is to be as informal as is appropriate, taking into account the nature, importance and complexity of the dispute.
- 2.3 Parties are to be treated even-handedly by the court.
- 2.4 Parties are to be encouraged to settle their disputes by negotiation, and should be able to do so throughout the process.
- 2.5 Parties should normally only have to come to court when it is necessary to do so to resolve their dispute.

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

- 3.1 A simple procedure case involves a claim being made in the sheriff court.
- 3.2 The person who makes the claim is known as the claimant.
- 3.3 The person the claim is made against is known as the responding party.
- 3.4 Together, the claimant and the responding party are known as the parties.
- 3.5 The claim will be decided by the sheriff, who is in charge of the court.
- 3.6 The sheriff clerk provides administrative support to the court and to the sheriff.
- 3.7 The parties may represent themselves or have a representative conduct their case for them.
- 3.8 The parties may be assisted by a lay supporter.

### **What must the sheriff do?**

- 4.1 The sheriff's powers must be used to manage cases in a way that is compatible with the principles of simple procedure.
- 4.2 The sheriff must, when interpreting and applying these Rules, take into account the principles of simple procedure.
- 4.3 The sheriff must ensure that parties who are not represented, or parties who are not legally represented, are not unfairly disadvantaged.
- 4.4 Where a case can be resolved by negotiation or alternative dispute resolution, the sheriff must encourage that.
- 4.5 If a case cannot be resolved by negotiation or alternative dispute resolution, the sheriff must make a decision in the case.

### **What must the parties do?**

- 5.1 The parties must respect the principles of simple procedure.

- 5.2** The parties must be honest with each other and with the court.
- 5.3** The parties must be respectful and courteous to each other, to representatives, to witnesses and to the court.
- 5.4** The parties must not do anything which could affect a witness's evidence or try to make a witness give dishonest or incomplete evidence.
- 5.5** The parties must consider throughout the progress of a case whether the dispute may be resolved by negotiation or alternative dispute resolution.
- 5.6** The parties must approach any negotiation or alternative dispute resolution with an open and constructive attitude.
- 5.7** The parties must follow orders of the sheriff.

**What must representatives do?**

- 6.1** Representatives must respect the principles of simple procedure.
- 6.2** Representatives must be honest with the court and with parties.
- 6.3** Representatives must be respectful and courteous to each other, to parties, to witnesses and to the court.
- 6.4** Representatives must conduct cases efficiently.
- 6.5** Representatives must act in the best interests of their clients, and not allow their personal interests to influence their advice or actions.
- 6.6** Representatives must not make claims or arguments which have no legal basis.
- 6.7** Representatives must maintain client confidentiality.
- 6.8** Representatives must not do anything which could affect a witness's evidence or try to make a witness give misleading evidence.
- 6.9** Representatives must not act where there is a conflict of interest.
- 6.10** When appearing against a person who is not represented, or who is not legally represented, representatives must not take advantage of that person, and must help the court to allow that person's case to be fairly stated.
- 6.11** Representatives must follow orders of the sheriff.

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

- 7.1** The sheriff may give orders to the parties, either orally or by written order.
- 7.2** The sheriff may do anything and may order parties to do anything considered necessary to facilitate negotiation or alternative dispute resolution between the parties.
- 7.3** The sheriff may do anything and may order parties to do anything considered necessary to determine the dispute.
- 7.4** The sheriff may relieve a party from the consequences of failing to comply with any of these Rules, if the sheriff considers the reason for doing so acceptable. When doing so, the sheriff may impose conditions on that party.
- 7.5** The sheriff may freeze and unfreeze the progress of a case.

- 7.6** The sheriff may make decisions about the form, location and conduct of a hearing. The sheriff must explain to parties and their representatives why such decisions were made.
- 7.7** The sheriff may decide a dispute without a hearing, if the parties only need a decision on a matter of law. The sheriff may only do this if all parties agree.
- 7.8** If the claimant does not attend a hearing, and has not provided the sheriff with an acceptable excuse, the sheriff may dismiss the case at that hearing.
- 7.9** If the responding party does not attend a hearing, and has not provided the sheriff with an acceptable excuse, the sheriff may determine the dispute at that hearing.
- 7.10** If a claim, or part of a claim, obviously has no basis in law or has no real prospect of success, the sheriff may dismiss the claim or that part of it.
- 7.11** The sheriff may make interim orders to protect the claimant's position, or the position of a responding party making a counterclaim, before a hearing.
- 7.12** The sheriff may transfer a simple procedure case to another court, whether in the same sheriffdom or not.
- 7.13** If a claim ought to have been raised in a different sheriff court the sheriff must transfer the claim to a court in which the claim should have been raised, unless the sheriff is satisfied that there is an acceptable reason not to.



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

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

- 1.1** This Part is about who can represent a party, and what that representative can and can't do.
- 1.2** This Part is also about who can provide support to a party, and what that supporter can and can't do.

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

- 2.1** A party may be represented by a legal representative or a lay representative.
- 2.2** A legal representative is a person who is an advocate, a solicitor or a person otherwise entitled to conduct proceedings in the sheriff court.
- 2.3** A lay representative is a person entitled to act as a lay representative.

### **What is a lay representative?**

- 3.1** A lay representative is a person who is not a legal representative, but who may advise a party during a case and represent a party during a hearing.

### **Who is entitled by these rules to act as a lay representative?**

- 4.1** A person who is authorised by a party to act on their behalf may act as a lay representative for that person.
- 4.2** A person may only act as a lay representative if that person agrees not to receive from the party any remuneration, whether directly or indirectly, for acting as a lay representative.
- 4.3** If a party is being represented by a lay representative throughout a case, then the lay representative must complete the Lay Representation Form and send it to the court at the same time as the Claim Form or the Response Form is sent to court.
- 4.4** Otherwise, if a person is being represented by a lay representative only during a hearing, then the lay representative must complete the Lay Representation Form and bring it with them to court on the day of the hearing.
- 4.5** If at any point the sheriff considers that a person is not suitable to act as a lay representative, that person must stop acting as a lay representative.
- 4.6** For the purpose of the sheriff deciding whether a person is suitable to act as a lay representative, that person must disclose to the sheriff any financial interest they have in the case, whether they have any previous convictions and whether they have been declared a vexatious litigant.
- 4.7** If at any point the sheriff considers that it would be incompatible with the principles of simple procedure for a person to continue acting as a lay representative, that person must stop acting as a lay representative.
- 4.8** If at any point the sheriff concludes that a person is not authorised to act as a lay representative, that person must stop acting as a lay representative.

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

- 5.1** A representative may do anything involved in the preparation or conduct of a case that the party being represented can do.

**What is a lay supporter?**

- 6.1** A lay supporter is a person who may accompany a party in court in order to quietly support, encourage and advise them during a hearing.

**Who can be a lay supporter?**

- 7.1** The sheriff may permit anyone to act as a lay supporter if asked to do so by a party.
- 7.2** The sheriff may only permit a person to act as a lay supporter during a period where the party does not have a representative.
- 7.3** The sheriff may only permit a person to act as a lay supporter if that person agrees not to receive from the party any remuneration, whether directly or indirectly, for acting as a lay supporter.
- 7.4** If at any point the sheriff considers that a person is not suitable to act as a lay supporter, the sheriff may withdraw permission to act as a lay supporter.
- 7.5** If at any point the sheriff considers that it would be incompatible with the principles of simple procedure for that person to continue acting as a lay supporter, the sheriff may withdraw permission to act as a lay supporter.
- 7.6** A party may request that the sheriff withdraws permission for a person to act as a lay supporter.

**What can a lay supporter do?**

- 8.1** A lay supporter may sit beside or behind the party during a hearing, wherever the hearing is held.
- 8.2** A lay supporter may provide moral support to the party.
- 8.3** A lay supporter may help to manage the party's court documents and other papers.
- 8.4** A lay supporter may take notes during any hearing.
- 8.5** A lay supporter may quietly advise the party on point 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.
- 8.6** The party may share with a lay supporter any document or let a lay supporter know any information connected to the case. However, if disclosure of that document or that information is prohibited or restricted in any way, then the lay supporter must respect that prohibition or restriction.

## Part 3: Making a claim

### What is this Part about?

- 1.1** This Part is about how the claimant makes a claim and what the court will do with that claim.

### How do you make a claim?

- 2.1** The normal process for making a claim is this:

<i>Step 1</i>	The claimant sends two copies of the Claim Form to the sheriff court.	See Part 3, rules 3.1 to 3.7.
<i>Step 2</i>	The court checks the Claim Form and issues a timetable for the case.	See Part 3, rules 2.2 and 4.1.
<i>Step 3</i>	The Claim Form is served on the responding party, with service arranged by either the claimant or the court.	See Part 3, rules 4.5 to 4.7 and Part 5.
	This must be done before the last date for service.	See Part 3, rule 2.2.
<i>Step 4</i>	If the claimant served the Claim Form on the responding party, the claimant must send a Confirmation of Service Notice to the court.	See Part 5, rule 4.4.
<i>Step 5</i>	The responding party sends a Response Form to the court and to the claimant.	See Part 4, rule 2.1 to 2.4.
	This must be done before the last date for a response.	See Part 3, rule 2.2.
<i>Step 6</i>	The sheriff will then consider the Claim Form and the Response Form, and issue the first orders.	See Part 6.
	This must be done within 14 days of the date of first consideration.	See Part 6, rule 3.1.

- 2.2** There are three important dates involved in the timetable for a case:

- (a) the last date for service, which is the date by which the Claim Form must be served on the responding party,
- (b) the last date for a response, which is the date by which the responding party must send a completed Response Form to the court and to the claimant, and
- (c) the date of first consideration, which is the date on which the sheriff may first consider the case.

- 2.3** These three dates will be identified by the sheriff clerk when registering a case.

- 2.4** The last date for service must be 35 days before the date of first consideration.

- 2.5** The last date for a response must be 14 days before the date of first consideration.

- 2.6** The sheriff must consider the case as soon as possible after the date of first consideration, and will issue written orders within 14 days of that date.

### **What has to go in the Claim Form?**

Below each rule, there is an illustrative example of what might be included in a Claim Form.

The example is of a claimant who recently bought a fridge from a high-street shop but, unfortunately, the fridge has broken. The shop refuses to repair or replace the fridge or refund the claimant the price of the fridge.

- 3.1** The Claim Form must identify the responding party, including their name and address (where known) and whether they are an individual or a business.

**example** The Claim Form should identify the name and business address of the shop where the fridge was bought.

- 3.2** The Claim Form must set out the essential factual background to the dispute.

**example** The Claim Form should identify the date on which the fridge was bought, how much was paid for it, when it was delivered to the claimant and the date on which the fault was identified. The Claim Form should also explain briefly the nature of the fault.

- 3.3** The Claim Form must set out what the claimant wants from the responding party, if their claim is successful.

**example** The Claim Form might ask for delivery of a replacement fridge or, failing that, a refund of the purchase price of the fridge.

- 3.4** The Claim Form must set out why the claimant thinks that the claim should be successful.

**example** The Claim Form should set out the claimant's right to a fridge that works as expected.

- 3.5** The Claim Form must set out the steps the claimant has already taken, if any, to try to settle the dispute with the responding party.

**example** The claimant might have asked the shop for a replacement or refund on the telephone or by letter. The Claim Form should identify the dates on which this took place and briefly set out any discussion that took place.

- 3.6** The Claim Form must list any documents, files, or other evidence that the claimant intends to bring to any hearing, to support their claim.

**example** This might include the purchase receipt and any letters between the claimant and the shop.

- 3.7** The Claim Form must list any witnesses (other than the claimant and the responding party) that the claimant intends to bring to any hearing, to support their claim.

**example** The claimant will be able to give evidence of the fault with the fridge and the responding party will be able to give evidence from their perspective. There might be no need for any other witnesses.

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

- 4.1** If the sheriff clerk identifies any problems with the Claim Form which mean that it can't be registered, then the sheriff clerk must return the Claim Form to the claimant with a note explaining those problems. 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 the simple procedure, such as making a claim for over £5,000, or
  - (d) the Claim Form being incomplete.
- 4.2** If there are no problems with the Claim Form, the sheriff clerk may enter the claim in the Register of Simple Procedure Claims.
- 4.3** The sheriff clerk must ask for the approval of the sheriff before entering a Claim Form in the Register of Simple Procedure Claims if—
- (a) the responding party's address is unknown,
  - (b) the claimant is seeking orders to protect the claimant's position before a hearing, or
  - (c) the sheriff clerk thinks that the claim requires the attention of the sheriff.
- 4.4** When registering a Claim Form, the sheriff clerk must identify a last date for service, a last date for responding and a date for first consideration. These dates must be entered onto the Claim Form and entered into the Register.
- 4.5** The sheriff clerk must serve the Claim Form on the responding party if asked to do so. The sheriff clerk may not be asked to do so if—
- (a) the claimant is a company or a partnership, or
  - (b) the claimant is legally represented.
- 4.6** If the sheriff clerk is serving the Claim Form, then the sheriff clerk must send notice of the date for first consideration to the claimant.
- 4.7** If the sheriff clerk is not serving the Claim Form, then the sheriff clerk must send a copy of the Claim Form to the claimant.

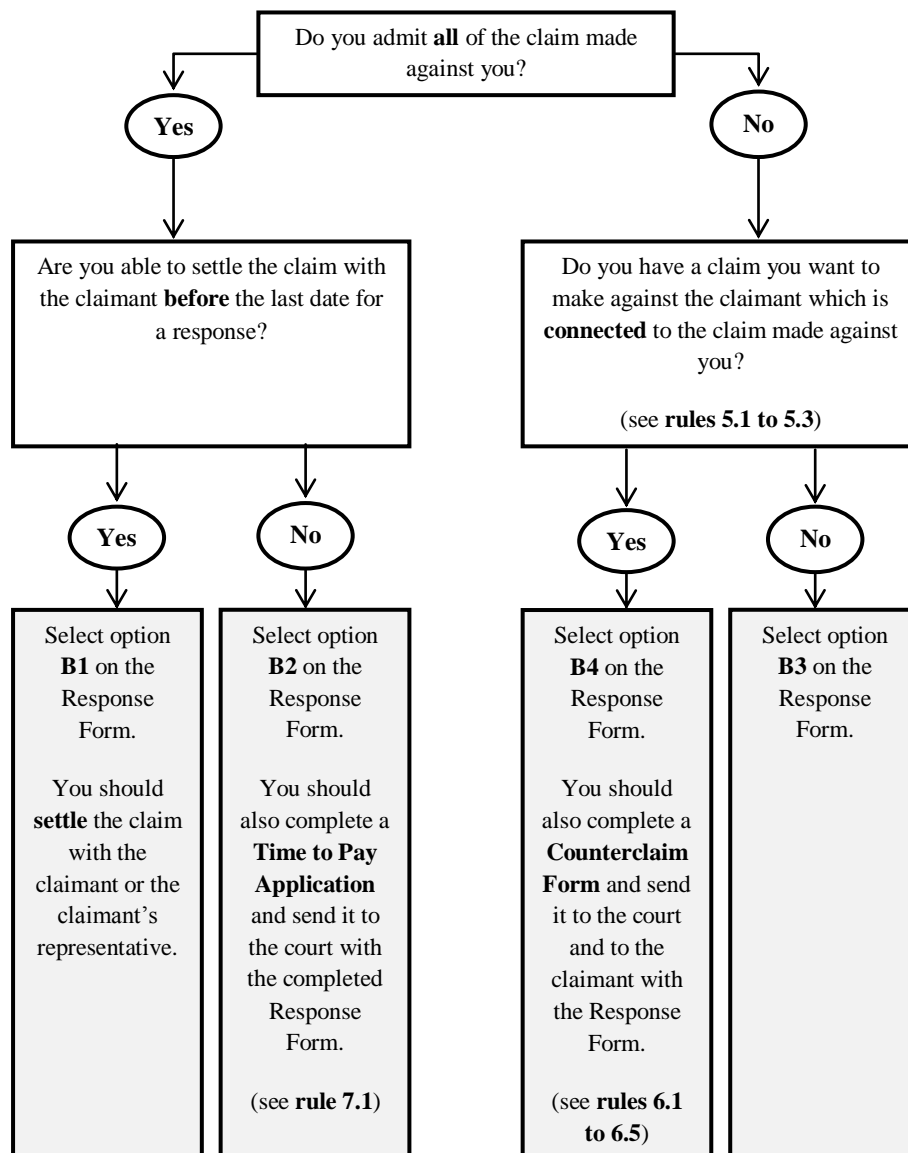
## Part 4: Responding to a claim

### What is this Part about?

- 1.1** This Part is about how the responding party responds to a claim and what the court will do with that response.

### How do you respond to a claim?

- 2.1** The responding party must send a completed Response Form to the court by the last date for a response.
- 2.2** The responding party must also send a copy of the completed Response Form to the claimant by the last date for a response.
- 2.3** The responding party must indicate in the Response Form how they intend to respond to the claim made by the claimant.
- 2.4** This chart sets out the four options available to the responding party:



**What has to go in the Response Form?**

- 3.1 The Response Form must be completed by the responding party.
- 3.2 The Response Form must set out the essential factual background to the dispute, and in particular anything in the Claim Form which the responding party disagrees with.
- 3.3 The Response Form must set out why the responding party 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.
- 3.4 The Response Form must set out the steps the responding party has already taken, if any, to try to settle the dispute with the claimant.
- 3.5 The Response Form must list any documents, files, or other evidence that the responding party intends to bring to any hearing, to support their response.
- 3.6 The Response Form must list any witnesses that the responding party intends to bring to any hearing, to support their response.

**What will the court do with the Response Form?**

- 4.1 When the court receives a Response Form, the sheriff clerk must enter its details into the Register of Simple Procedure Claims.
- 4.2 The sheriff clerk must present the Claim Form, the Confirmation of Service Notice (if one needed to be prepared) and the Response Form to the sheriff by the date for first consideration.

**What is a counterclaim?**

- 5.1 A counterclaim is a claim made by the responding party against the claimant.
- 5.2 The responding party may only make a counterclaim that could have been made as a claim in a separate simple procedure case.
- 5.3 The responding party may only make a counterclaim if the factual background to the counterclaim is connected to the factual background to the claim made by the claimant.

**How do you make a counterclaim?**

- 6.1 The responding party may make a counterclaim by completing a Counterclaim Form and sending it to the court with the Response Form by the last date for a response.
- 6.2 The responding party must also send a copy of the completed Counterclaim Form to the claimant by the last date for a response.
- 6.3 The Counterclaim Form must set out the essential factual background to the dispute.
- 6.4 The Counterclaim Form must set out what the responding party wants from the claimant, if their counterclaim is successful.

- 6.5** The Counterclaim Form must set out why the responding party thinks that the counterclaim should be successful.

**How can you apply to settle the claim in instalments or by a deferred lump sum?**

- 7.1** If the responding party admits the claim but is unable to settle the claim with the claimant before the last date for a response, the responding party may apply for time to pay by sending the court a Time to Pay Application.



## **Part 5: Sending and service**

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

- 1.1** This Part is about what you have to do when these Rules require something to be sent to someone.
- 1.2** This Part is also about what you have to do when these Rules require a Form or Notice to be served on someone.

### **What is the difference between sending something and serving something on someone?**

- 2.1** When these Rules require something to be “sent”, that may be done by anyone and in a number of less formal ways.
- 2.2** When these Rules require something to be “served” on someone, that may only be done by certain people (such as sheriff clerks or solicitors) and may only be done in a limited number of formal ways.

### **How can you send something to someone?**

- 3.1** When these rules require a party to send something to the court or to another party, this must be done in a way that is reliable and secure, such as:
  - (a) hand delivering it to the address given by that party on the Claim Form or Response Form, or to the address of the court,
  - (b) posting it to the address given by that party on the Claim Form or Response Form, or to the address of the court,
  - (c) sending it by email, to an email address given by that party on the Claim Form or Response Form, or to the email address of the court.

### **How can you serve a Form or Notice on someone?**

- 4.1** When these rules require a Form or Notice to be served on someone, it must be done by sending that Form or Notice to that person by first class recorded delivery post.
- 4.2** This must be done by one of:
  - (a) the party’s solicitor,
  - (b) a sheriff officer instructed by the party,
  - (c) the sheriff clerk.
- 4.3** After serving a Form or Notice, a Confirmation of Service Notice must be signed and any postal receipts attached to it.
- 4.4** If a solicitor or sheriff officer has served the Claim Form, then the Confirmation of Service Notice must be sent to the sheriff court at least 2 days before the date of first consideration.
- 4.5** If a solicitor or sheriff officer has served any other Form or Notice, then the Confirmation of Service Notice must be sent to the sheriff court within 7 days of service taking place.
- 4.6** When serving a Claim Form, the envelope must contain only the following:

- (a) a copy of the Claim Form,
- (b) a blank Response Form,
- (c) a copy of the Claim Service Notice,
- (d) any other documents approved by the sheriff principal.

**4.7** The envelope containing the Claim Form and the Claim Service Notice must have the following label printed or written on it:

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

**What if service by first class recorded delivery post does not work?**

**5.1** If service by first class recorded delivery post has not worked, a sheriff officer may serve a Form or Notice in one of three ways:

- (a) delivering it personally to the person,
- (b) leaving it in the hands of a resident in the person's home,
- (c) leaving it in the hands of an employee at the person's place of business.

**5.2** If none of those ways has worked, a sheriff officer must make diligent inquiries about the person's whereabouts and current residence, and may then serve the Form or Notice in either of these ways:

- (a) depositing it in the person's home or place of business by means of a letter box or another lawful way of doing so,
- (b) leaving it in the person's home or place of business in such a way that it is likely to come to the attention of that person.

**5.3** If service is done in either of those ways, the sheriff officer must also do two more things:

- (a) send a copy of the Form or Notice to the person by ordinary 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 Form or Notice the following label:

**THIS ENVELOPE CONTAINS A [CLAIM / CITATION] FROM [NAME  
OF SHERIFF COURT]**

**5.4** The sheriff clerk may instruct a sheriff officer to attempt service of a Claim Form.

**What if the responding party's address is not known?**

- 6.1** This rule is about what happens where the claimant does not know the responding party's address and the sheriff is satisfied that it is reasonable to publicise the claim under this rule instead of serving it on the responding party.
- 6.2** The sheriff may order the Claim Form to be publicised by advertisement on the Scottish Courts and Tribunals Service website.
- 6.3** The sheriff may order changes to the last date for service and the last date for a response.
- 6.4** The sheriff clerk must make a copy of the Claim Form available for the responding party to collect at the sheriff court.
- 6.5** If the responding party's address becomes known, the sheriff may order the Claim Form to be amended and the claimant to re-serve the Claim Form.

**How can you serve a Form or Notice on someone who lives outside Scotland, but in the rest of the United Kingdom?**

- 7.1** If the person lives in England and Wales, Northern Ireland, the Isle of Man or the Channel Islands, the Form or Notice may be served by one of:
  - (a) sending a copy of the Form or Notice in Scotland by first class recorded delivery post,
  - (b) a method provided for by the law for personal service in the place in which the document is to be served.
- 7.2** If the Form or Notice is being sent in Scotland, this must be done by one of these people:
  - (a) the party's solicitor,
  - (b) a sheriff officer instructed by the party,
  - (c) the sheriff clerk.
- 7.3** After serving the Form or Notice, a Confirmation of Service Notice must be signed and any postal receipts attached to it.
- 7.4** If a solicitor or sheriff officer has served the Claim Form, then the Confirmation of Service Notice must be sent to the sheriff court at least 2 days before the date of first consideration.
- 7.5** If a solicitor or sheriff officer has served any other Form or Notice, then the Confirmation of Service Notice must be sent to the sheriff court within 7 days of service taking place.
- 7.6** When serving a Claim Form on someone living in England and Wales, Northern Ireland, the Isle of Man or the Channel Islands, a copy of the Claim Service Notice must be included in the envelope with the Claim Form. The envelope must not contain anything else.
- 7.7** The envelope containing the Claim Form and the Claim Service Notice must have the following label printed or written on it:

**THIS ENVELOPE CONTAINS A CLAIM MADE IN [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]**

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

- 8.1** If the sheriff considers that there has been a failure or irregularity in the way that service of the Claim Form was done, then the sheriff may send written orders to the claimant.
- 8.2** Those written orders should normally do two things:
- (a) order the claimant to serve the Claim Form again, and
  - (b) set a new date of first consideration.

**Can a responding party object at a hearing to how service was done?**

- 9.1** A responding party who attends at a hearing may not object to the way in which service of the Claim Form was done.

## **Part 6: The first consideration of a case**

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

- 1.1** This Part is about how the sheriff will first consider and manage a case.

### **When will the sheriff first consider a case?**

- 2.1** The sheriff must consider a case as soon as possible after the date of first consideration.

### **What will the sheriff do when first considering a case?**

- 3.1** If a Response Form has been received by the court which indicates that the responding party intends to dispute the claim, then the sheriff must then send all parties the first written orders in that case as soon as possible after the date of first consideration, and no later than 14 days from that date.

### **What if no Response Form has been received by the court?**

- 4.1** 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 any written orders to the parties.
- 4.2** If the claimant sends an Application for a Decision to the court before the date of first consideration, then the sheriff may make a decision awarding the claimant some or all of what they asked for in the Claim Form.
- 4.3** If the claimant does not send an Application for a Decision to the court before from the date of first consideration, then the sheriff must make a decision dismissing the claim.

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

- 5.1** If the responding party indicates on the Response Form that they admit liability for the claim and want to settle it before the last date for a response, then the sheriff does not have to send any written orders to the parties.
- 5.2** If the claimant sends an Application for a Decision to the court within 21 days from the date of first consideration asking for the claim to be dismissed, then the sheriff may make a decision dismissing the claim.
- 5.3** If the claimant does not send such an Application for a Decision to the court within 21 days from the date of first consideration, then the sheriff must send all parties the first written orders in that case as soon as possible, and no later than 35 days from that date.

### **What will be in the sheriff's first written orders?**

- 6.1** The first written orders must normally arrange a hearing at which the parties must appear.
- 6.2** If the sheriff considers that it is necessary in the interests of justice, taking into account the principles of simple procedure, for the parties to come to court before a hearing is arranged, then the first written orders may arrange a case management conference at which the parties must appear.
- 6.3** The purpose of a case management conference is so that the sheriff may:

- (a) discuss the claim and response with the parties and clarify any concerns the sheriff has,
  - (b) ask the parties about their attitudes to negotiation and alternative dispute resolution,
  - (c) give the parties, in person, orders which arrange a hearing at which parties must appear to have their case considered by the sheriff and their dispute resolved, whether by negotiation or alternative dispute resolution or by the sheriff making a decision.
- 6.4** The sheriff may make a decision in a case at a case management conference, but only with the consent of the parties.

## **Part 7: Orders of the sheriff**

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

- 1.1** This Part is about the orders which the sheriff can give to manage a case.

### **What are orders?**

- 2.1** Orders are the way that the sheriff uses the powers of the sheriff to manage and decide a case.
- 2.2** Orders may be given to the parties in writing.
- 2.3** Orders may be given to the parties in person at a hearing or case management conference.
- 2.4** Part 17 of these Rules contains examples of standard written orders which the sheriff may give in typical situations.
- 2.5** The sheriff may do one of three things:
- (a) give parties one of these standard orders,
  - (b) give parties an amended version of one of these standard orders, or
  - (c) give parties an entirely different order.

## **Part 8: Applications by the parties**

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

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

### **What happens if the progress of a case is frozen?**

- 2.1** If the progress of a case is frozen, then any hearings in the case are cancelled and the case will not progress until it is unfrozen.

### **How can a party ask for the progress of a case to be frozen?**

- 3.1** A party may apply to have the progress of a case frozen by sending the court and the other party an Application to Freeze.
- 3.2** The Application to Freeze must set out the reason for applying to have the progress of the case frozen.
- 3.3** If the party who has been sent the Application to Freeze objects to having the progress of the case frozen, that party must return the Application to Freeze to the court within 7 days, setting out that objection.
- 3.4** After considering the Application to Freeze, and any objection that may have been sent, the sheriff may do one of three things:
- (a) grant the application, and freeze 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 hearing, where the sheriff will consider whether to freeze the progress of the case.

### **How can a party ask for a frozen case to be unfrozen?**

- 4.1** A party may apply to have a frozen case unfrozen by sending the court and the responding party an Application to Unfreeze.
- 4.2** The Application to Unfreeze must set out the reason for applying to have the progress of the case frozen.
- 4.3** If the party who has been sent the Application to Unfreeze objects to having the frozen case unfrozen, that party must return the Application to Unfreeze to the court within 7 days, setting out that objection.
- 4.4** After considering the Application to Unfreeze, and any objection that may have been sent, the sheriff may do one of three things:
- (a) grant the application, and unfreeze the case,
  - (b) refuse the application, and case continues to be frozen, or
  - (c) order both parties to appear at a hearing, where the sheriff will consider whether to unfreeze the case.

### **What can the court do with a frozen case?**

- 5.1** The sheriff clerk may present to the sheriff a case which has been frozen for at least 6 months.



- 5.2** The sheriff may send the parties written orders that unless a party (or both parties) takes a particular step (such as appearing at a hearing arranged by the sheriff clerk, or sending a letter to the court) then the claim will be dismissed.
- 5.3** The sheriff may then dismiss the claim if satisfied that the step ordered has not been taken.

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

- 6.1** A claimant may apply to amend a Claim Form by sending the court and the responding party an Application to Amend.
- 6.2** A responding party may apply to amend a Response Form by sending the court and the claimant an Application to Amend.
- 6.3** The Application to Amend must set out the reason for applying to amend the form.
- 6.4** The Application to Amend must set out the proposed amendments.
- 6.5** If the party who has been sent the Application to Amend objects to the proposed amendments, that party must return the Application to Amend to the court within 7 days, setting out that objection.
- 6.6** 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 amendment,
  - (b) refuse the application, and not allow amendment, or
  - (c) order both parties to appear at a hearing, where the sheriff will consider whether to allow amendment.

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

- 7.1** The claimant may abandon a claim any time before the sheriff makes a decision in that case, by sending an Application to Abandon to the responding party and to the court.
- 7.2** When the court receives the Application to Abandon, the sheriff clerk must assess the expenses which the claimant must pay the responding party.
- 7.3** When assessing those expenses, the sheriff clerk must also fix a hearing, and send parties notice of that hearing at least 14 days' before.
- 7.4** The sheriff clerk must send notice of the assessed expenses and the date of the hearing to the parties.
- 7.5** At that hearing, if the sheriff is satisfied that the claimant has paid those expenses to the responding party, then the sheriff must dismiss the action. If the claimant agrees, the sheriff may make a decision absolving the responding party.
- 7.6** However, if the sheriff is not satisfied that the claimant has paid those expenses to the responding party, then the sheriff must make a decision absolving the responding party and awarding them those expenses.

**How can a person become an additional responding party in a case?**

- 8.1** A person who is not a responding party may apply to become a responding party in a case, by sending an Additional Responding Party Application to the court. That party is known in this rule as the applicant.
- 8.2** The Additional Responding Party Application must set out why the applicant has an interest in becoming a responding party.

- 8.3** The Additional Responding Party Application must have attached to it a draft Response Form.
- 8.4** The sheriff clerk must fix a hearing, and the applicant must serve a copy of the Additional Responding Party Application, the draft Response Form and notice of the hearing on all the parties to the claim.
- 8.5** At the hearing, the sheriff may grant or refuse the application.
- 8.6** If granting the application, the sheriff must give orders that allow the applicant to participate in the case as a responding party.

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

- 9.1** If a party dies or becomes legally incapacitated before a sheriff makes a decision in a case, then a person claiming to represent that party or that party's estate may apply to represent that party, by sending an Application to Represent to the court and to the other party.
- 9.2** If the party who has been sent the Application to Represent objects to the proposed representation, that party must return the Application to Represent to the court within 7 days, with a note setting out that objection.
- 9.3** 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 hearing, where the sheriff will consider whether to allow the person to represent that party.

## **Part 9: Documents and other evidence**

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

- 1.1** This Part is about how the parties send documents and other evidence to the court and to other parties before a hearing.

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

- 2.1** A claimant may bring to a hearing any documents or other evidence listed in their Claim Form and which has been lodged with the court.
- 2.2** A responding party may bring to a hearing any documents or other evidence listed in their Response Form and which has been lodged with the court.
- 2.3** A party may bring documents and other evidence to court which have not been lodged with the court, but these may only be considered as part of the case with the permission of the sheriff.

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

- 3.1** Documents may be lodged with the court by sending them to the sheriff clerk, accompanied by a list of the documents.
- 3.2** Other evidence may be lodged with the court by sending it to the sheriff clerk, accompanied by a list briefly describing the evidence.
- 3.3** If a party considers that there would be practical difficulties involved in sending evidence to the sheriff clerk to be lodged, that party must contact the sheriff clerk before sending the evidence to be lodged.
- 3.4** 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.
- 3.5** All documents and other evidence must be lodged with the court at least 14 days before the hearing.

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

- 4.1** A solicitor, or the authorised clerk of a solicitor, may borrow any documents or other evidence which has been lodged with the court.
- 4.2** A party who is not represented by a solicitor may, during normal business hours, inspect documents or other evidence which has been lodged with the court at the sheriff clerk's office. Where it is possible to do so, the party may take copies or photographs of documents or other evidence.

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

- 5.1** The court must keep the documents and other evidence for at least 28 days after the sheriff has made a decision.
- 5.2** If a party has appealed the sheriff's decision, the court must keep the documents and other evidence until that appeal has been decided.
- 5.3** Each party must collect the documents and other evidence which that party lodged within 14

days of the period during which the court must keep the documents and other evidence ending.

- 5.4** If a party has not collected the documents and other evidence by the end of that 14 days must send the party a warning that if the documents and other evidence is not collected within 28 days, then they will be destroyed or disposed of.
- 5.5** If the documents and other evidence are not collected by the end of that 28 days, they may be destroyed or disposed of on the orders of the sheriff.

## **Part 10: Witnesses**

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

- 1.1** This Part is about the citation of witnesses and their attendance at hearings.
- 1.2** This Part is also about measures that the court can take to assist vulnerable witnesses in giving evidence.

### **How can a witness be cited to appear at a hearing?**

- 2.1** 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.
- 2.2** A witness may be cited to appear at a hearing by serving on that witness a Witness Citation Notice.
- 2.3** The Witness Citation Notice must be served on the witness at least 7 days before the hearing.

### **What if a witness who has been cited fails to appear at a hearing?**

- 3.1** If a witness is cited to appear at a hearing, the witness must appear at that hearing.
- 3.2** If a witness who has been cited fails to appear at a hearing, the sheriff may order the witness to be brought to court.

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

- 4.1** If a party cites a witness who is a child witness, that party must send the court and the other party a Child Witness Application.
- 4.2** A Child Witness Application 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.
- 4.3** Before the sheriff decides how to deal with the Child Witness Application, the sheriff may order the parties to provide for further information.
- 4.4** The sheriff may decide to make the orders requested in the Child Witness Application with or without a hearing.
- 4.5** Where the sheriff decides to have a hearing, the sheriff clerk must fix a hearing and send the parties notice of the date and time when it will be held.
- 4.6** At the hearing, the sheriff must consider the Child Witness Application 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.
- 4.7** When the sheriff makes an order about a Child Witness Application, the sheriff clerk must send a copy to the parties and to anyone else named in the order on the day that the order is made.

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

- 5.1** If a party cites a witness who is not a child witness, 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.

- 5.2 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.
- 5.3 Before the sheriff decides how to deal with the Vulnerable Witness Application, the sheriff may order the parties to provide further information.
- 5.4 The sheriff may decide to make the orders requested in the Vulnerable Witness Application with or without a hearing.
- 5.5 Where the sheriff decides to have a hearing, the sheriff clerk must fix a hearing and send the parties notice of the date and time when it will be held.
- 5.6 At the hearing, 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.
- 5.7 When the sheriff makes an order about a Vulnerable Witness Application, the sheriff clerk must send a copy to the parties and to anyone else named in the order on the day that the order is made.

**What are special measures?**

- 6.1 Special measures are ways of taking the evidence of a child witness or a vulnerable witness.
- 6.2 The sheriff may authorise the use of any of the special measures mentioned in this rule.
- 6.3 The sheriff may authorise a child witness or a vulnerable witness to give evidence before an independent person.
- 6.4 The sheriff may authorise a child witness or a vulnerable witness to give evidence by live television link.
- 6.5 The sheriff may authorise a child witness or a vulnerable witness to use a screen while giving evidence.
- 6.6 The sheriff may authorise a child witness or a vulnerable witness to use a supporter while giving evidence.

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

- 7.1 The party who sent a Child Witness Application 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.
- 7.2 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. The sheriff may add a new special measure, substitute a new special measure for an existing one, delete a special measure, or revoke the order authorising the use of special measures entirely.
- 7.3 Before the sheriff decides how to deal with the Special Measures Review Application, the sheriff may order the parties to provide further information.
- 7.4 The sheriff may decide to make the orders requested in the Special Measures Review Application with or without a hearing.
- 7.5 Where the sheriff decides to have a hearing, the sheriff clerk must fix a hearing and send the

parties notice of the date and time when it will be held.

- 7.6** At the hearing, 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.
- 7.7** When the sheriff makes an order about a Special Measures Review Application, the sheriff clerk must send a copy to the parties and to anyone else named in the order on the day that the order is made.

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

- 8.1** 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.
- 8.2** A party may only be present when a child witness or vulnerable witness gives evidence before an independent person if the sheriff has given permission for this to happen.
- 8.3** The independent person must send the video recording and any relevant documents from the hearing to the sheriff clerk.
- 8.4** The sheriff clerk must tell the parties when the video recording is received. If any relevant documents are also received, the sheriff clerk must tell the parties what they are what they are and when they were received.

## **Part 11: The hearing**

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

- 1.1** This Part is about the hearing at which the sheriff will consider the case.

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

- 2.1** The purpose of the hearing is to resolve the dispute between the parties.

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

- 3.1** The sheriff must help the parties to negotiate a settlement which resolves the dispute, if the sheriff thinks this is possible.
- 3.2** If a negotiated settlement to the dispute is not possible, the sheriff must try to help the parties to settle the dispute in other ways, including by any available means of alternative dispute resolution.
- 3.3** If no settlement is possible, the sheriff must resolve the dispute by deciding it at that hearing.
- 3.4** The sheriff may continue the hearing to another day without resolving the dispute if doing so is necessary in the interests of justice or if both parties agree to the hearing being continued.
- 3.5** The failure of a witness to appear at a hearing is not, of itself, a reason to continue the hearing to another day.

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

- 4.1** The sheriff must ask the parties about their attitudes to negotiation and alternative dispute resolution.
- 4.2** The sheriff must identify the factual basis and legal basis of the claim and the response to the claim.
- 4.3** The sheriff must identify the factual and legal matters genuinely in dispute between the parties.
- 4.4** The sheriff must take a note of any evidence led at 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.



## **Part 12: The decision**

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

- 1.1** This Part is about the decision which the sheriff will make to resolve a case.
- 1.2** This Part is also about the circumstances in which a party can apply to have that decision revoked.

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

- 2.1** At the end of the hearing, the sheriff may either make a decision there and then, or may take time to consider the decision.
- 2.2** If the sheriff takes time to consider the decision, the decision must be made within 28 days of the end of the hearing.

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

- 3.1** If the sheriff makes a decision there and then, the sheriff must explain briefly the reasons for that decision to the parties in person.
- 3.2** If the sheriff takes time to make a decision, the sheriff clerk must send a brief note of the reasons for that decision to the parties.
- 3.3** The sheriff must set out the final decision in the case in a Decree Form.
- 3.4** A party may only enforce a decision once that party has a copy of the Decree Form.
- 3.5** A copy of the Decree Form may be sent to parties by the sheriff clerk 14 days after the sheriff has made the decision.
- 3.6** A copy of the Decree Form must not be sent while any party is appealing the sheriff's decision.
- 3.7** The sheriff may correct any errors in a Decree Form before it is sent to a party.

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

- 4.1** The sheriff may make any decision which resolves the dispute between the parties. That decision might include one or more of the following types of decision:
  - (a) ordering the responding party to pay the claimant a sum of money,
  - (b) ordering the responding party to deliver something to the claimant,
  - (c) ordering the responding party to do something for the claimant,
  - (d) dismissing the claim (or part of the claim) made by the claimant,
  - (e) absolving the responding party of the claim (or part of the claim) made by the claimant.

### **How can a decision of the sheriff be revoked?**

- 5.1** A party may apply to have a decision of a sheriff revoked if the sheriff dismissed or decided the claim because that party failed to attend a hearing.
- 5.2** The responding party may apply to have a decision of the sheriff revoked if the sheriff decided the claim because no Response Form was received by the court.

- 5.3** The application to revoke a decision is made by completing the Application to Revoke and sending it to the sheriff court.
- 5.4** If the sheriff made the decision following an Application for a Decision, the responding party must include a completed Response Form with the Application to Revoke.
- 5.5** If the sheriff dismissed the claim, a party may only apply for revocation within 14 days of the claim being dismissed.
- 5.6** If the sheriff decided the claim, a party may apply for revocation at any time before the decision of the sheriff has been fully implemented.
- 5.7** A party may only apply for revocation once.

**What happens when a party applies to have a decision of the sheriff revoked?**

- 6.1** When the court receives an Application to Revoke, the sheriff must order a hearing to consider the application.
- 6.2** A decision which has been revoked is no longer enforceable.

## **Part 13: Other matters**

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

- 1.1** This Part is about a number of procedural matters which can arise during the course of a case and how they will be dealt with.

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

- 2.1** Where a sheriff orders that a case should no longer proceed subject to the simple procedure, that order must identify the procedure under which the case is to continue.
- 2.2** If the sheriff orders that the case should proceed as an ordinary cause, the sheriff must also order three things:
- (a) the claimant to lodge an initial writ and intimate it to every other party within 14 days of the date of the order,
  - (b) the responding party to lodge defences within 28 days of the date of the order, and
  - (c) an options hearing to be held on the first suitable court day occurring not sooner than ten weeks (or such lesser period as the sheriff considers appropriate) after the last date for lodging the initial writ.

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

- 3.1** 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.
- 3.2** The sheriff may do this when requested to by a party, or without such a request.
- 3.3** The sheriff must draft the reference within 28 days of deciding to do so.
- 3.4** Once a reference has been drafted, the sheriff clerk must send a copy to every party.
- 3.5** Each party then has 28 days to suggest amendments to that reference to the sheriff.
- 3.6** Once that 28 days has passed, the sheriff has 14 days to consider any suggested amendments.
- 3.7** During that 14 days, the sheriff must finalise and sign the reference.
- 3.8** The sheriff clerk must send the reference to the Court of Justice of the European Union and inform parties that the reference has been made.

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

- 4.1** The CEHR and the SCHR may apply to the sheriff to intervene in a case by sending to the court and to all parties an Application to Intervene.
- 4.2** 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.
- 4.3** The sheriff may refuse the Application to Intervene without a hearing.
- 4.4** The sheriff may grant the Application to Intervene without a hearing, unless a party requests a hearing. In this case a hearing must be held, and the sheriff may refuse or grant the

Application to Intervene at that hearing.

- 4.5** 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 (as the case may be),
  - (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.
- 4.6** The sheriff may impose conditions on the intervention.
- 4.7** The sheriff may invite the SCHR to intervene in a simple procedure case by sending to the SCHR and to all parties an Invitation to Intervene Notice.
- 4.8** An Invitation to Intervene Notice must be accompanied by a copy of the Claim Form and the Response Form, and all other documents relevant to the reasons for the proposed intervention.
- 4.9** The sheriff may impose conditions on the invitation to intervene.

**What can the CEHR and the SCHR do in an intervention?**

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

## **Part 14: Appeals**

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

- 1.1** This Part is about how a party can appeal against the decision of the sheriff and how the sheriff and Sheriff Appeal Court must deal with an appeal.

### **How can you appeal the sheriff's decision?**

- 2.1** A party may appeal a decision of the sheriff by sending an Appeal Form to the sheriff court within 14 days of the decision of the sheriff being issued. The party making the appeal is known as the appellant.
- 2.2** An Appeal Form must set out the legal points which the appellant wants the Sheriff Appeal Court to consider.

### **How is an appeal dealt with in the sheriff court?**

- 3.1** The sheriff must prepare an Appeal Report within 28 days of the court receiving an Appeal Form.
- 3.2** The Appeal Report must set out the factual and legal basis for the decision which the sheriff came to.
- 3.3** The sheriff clerk must send the Appeal Report to all parties.
- 3.4** All parties may, within 14 days of the Appeal Report being sent to them, send the sheriff a note of any legal points they wish the Sheriff Appeal Court to consider and any factual points in the Appeal Report they disagree with.
- 3.5** The sheriff may then amend the Appeal Report.
- 3.6** The sheriff must then sign the Appeal Report.
- 3.7** The sheriff clerk must send a final copy of the Appeal Report to each party.
- 3.8** The sheriff clerk must send the note of the reasons for the sheriff's decision (if one was prepared), the Decree Form, the signed Appeal Report and any note prepared by a party to the Clerk of the Sheriff Appeal Court.

### **How is an appeal dealt with in the Sheriff Appeal Court?**

- 4.1** The Clerk of the Sheriff Appeal Court must, within 14 days of receiving the signed Appeal Report, fix a hearing before 1 Appeal Sheriff, and send the parties notice of the date, time and place of that hearing.
- 4.2** At the hearing, the Appeal Sheriff may allow a party to raise new legal questions.
- 4.3** At the conclusion of the hearing, the Appeal Sheriff may either make a decision there and then, or may take time to consider the decision.
- 4.4** If the Appeal Sheriff takes time to consider the decision, the decision must be made within 28 days of the end of the hearing.
- 4.5** If the Appeal makes a decision there and then, the Appeal Sheriff must explain briefly the reasons for that decision to the parties in person.
- 4.6** If the Appeal Sheriff takes time to make a decision, the Clerk of the Sheriff Appeal Court must send a brief note of the reasons for that decision to the parties.

- 4.7** The Appeal Sheriff may alter the decision which the sheriff made by either amending the Decree Form or issuing a new Decree Form.

## Part 15: Forms, Applications and Notices

### What is this Part about?

- 1.1** This Part contains the Forms, Applications and Notices which these Rules require parties to use.

### Where can you find Forms, Applications and Notices?

- 2.1** There are copies of all Forms, Applications and Notices on the Scottish Courts and Tribunals Service website ([www.scotcourts.gov.uk](http://www.scotcourts.gov.uk)).

### What Forms, Applications and Notices are in this Part?

- 3.1** This table lists all of the Forms, Applications and Notices and sets out the rules which apply to them:

<i>Name of Form, Application or Notice</i>	<i>Rules which apply</i>
Lay Representation Form	Part 2, rules 3.1 to 3.8
Claim Form	Part 3, rules 2.1 to 2.6 and 3.1 to 3.9
Response Form	Part 4, rules 2.1 to 2.3 and 3.1 to 3.6
Counterclaim Form	Part 4, rules 6.1 to 6.5
Confirmation of Service Notice	Part 5, rules 4.3 to 4.5.
Claim Service Notice	Part 5, rule 2.3.
Application for a Decision	Part 6, rules 4.1 to 4.3 and 5.1 to 5.3
Time to Pay Application	...
Application to Freeze	Part 8, rules 2.1 to 2.4
Application to Unfreeze	Part 8 rules 4.1 to 4.4
Application to Amend	Part 8, rules 5.1 to 5.6
Application to Abandon	Part 8, rules 6.1 to 6.6
Additional Responding Party Application	Part 8, rules 7.1 to 7.6
Application to Represent	Part 8, rules 8.1 to 8.3
Witness Citation Notice	Part 10, rules 2.1 to 2.5
Child Witness Application	Part 10, rules 4.1 to 4.7
Vulnerable Witness Application	Part 10, rules 5.1 to 5.7
Special Measures Review Application	Part 19, rules 7.1 to 7.7
Decree Form	Part 12, rules 3.1 to 3.3

Application to Revoke	Part 12, rules 5.1 to 5.5
CJEU Reference Form	Part 13, rules 3.1 to 3.8
Application to Intervene	Part 13, rules 4.1 to 4.6
Invitation to Intervene Notice	Part 13, rules 4.7 to 4.9
Appeal Form	Part 14, rules 2.1 to 2.2





# The Simple Procedure Lay Representation Form

(Part 2, rules 3.1 to 3.8)

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

If you are representing a person 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 hearing in a simple procedure case, you must complete this form and bring it with you to court on the day of the hearing. You should give this form to the sheriff clerk at the beginning of the hearing.

## A. ABOUT THE CASE

In this part, you must fill in information about the case.

A1. Claim number (if known)	
A2. Name of case	

## B. ABOUT YOU

In this part, you must fill in information about yourself.

B1. What is your <b>name</b> ?	
B2. What is your <b>address</b> ?	

## C. YOUR DECLARATIONS

To comply with the Simple Procedure Rules, you must make a number of declarations.

Please tick the box next to each declaration that applies to you and complete any parts that apply to you.

<input type="checkbox"/>	C1. I declare that I am not receiving and will not receive from the party any remuneration, whether directly or indirectly, for acting as a lay representative.
<input type="checkbox"/>	C2. I accept that documents and information are provided to me by the parties on a confidential basis and I undertake to keep them confidential.
<input type="checkbox"/>	C3. I have not been declared a vexatious litigant under the Vexatious Actions (Scotland) Act 1898.
<input type="checkbox"/>	C4. I was declared a vexatious litigant under the Vexatious Actions (Scotland) Act 1898 on: <i>[insert date]</i>
<input type="checkbox"/>	C5. I have no financial interest in the outcome of this case.

**D. SIGNATURE**

	C6. I have the following financial interest in the outcome of this case: <i>[explain your interest]</i>
D1. Please <b>sign</b> here:  <div style="text-align: right;">Lay representative</div>	



# The Simple Procedure Claim Form

(Part 3, rule 2.1)

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

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 you, you should complete the form with them.

The Simple Procedure Rules should be read alongside this form. They can be found at [address]. Please **read the whole Claim Form** before beginning to complete it. There are guidance notes to left of each part of the form.

OFFICIAL USE ONLY Do not complete this part	
Claim Number	
Last date for service	
Last date for a response	
Date of first consideration	

## A. ABOUT YOU

In this part, you must fill in information about you, so that the court knows who you are and how to contact you.

If you are an individual trading under a business name, please also give that name. If you are a company, please give the full name of your company and the company number.

A1. Are you an <b>individual</b> , a <b>company</b> or an <b>organisation</b> ?	<input type="checkbox"/> An individual (including a sole trader) <input type="checkbox"/> A company or organisation
A2. What is your <b>full name</b> ?	
A3. What is your <b>address</b> ?	
A4. What is your <b>postcode</b> ?	

A5. What is your <b>email address</b> ?	
A6. How would you prefer the court to <b>contact you</b> ?	<input type="checkbox"/> By post <input type="checkbox"/> By email

## B. ABOUT YOUR REPRESENTATION

In this part, you are letting the court and the responding party know how you will be represented and, if you are represented, by whom.

If you are representing yourself, you do not need to fill in any more of this part.

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.

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

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

B1. How will you be <b>represented</b> during this case?	<input type="checkbox"/> I will represent myself <input type="checkbox"/> I want to be represented by a family member or friend <input type="checkbox"/> I want to be represented by someone from an advice or advocacy organisation who is not a solicitor) <input type="checkbox"/> I will be represented by a solicitor
B2. Who is your representative?	
B3. What is the <b>address</b> of your representative?	
B4. What is the <b>email address</b> of your representative?	
B5. Would you like us to contact you <b>through your representative</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No

B6. How would your representative prefer the court to **contact them**?

☐ By post  
☐ By email

### C. ABOUT THE RESPONDING PARTY

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

If the responding party is an individual trading under a business name, please also give that name. If the responding 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 number.

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

The court cannot 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 service yourself.

C1. Is the responding party an <b>individual</b> , a <b>company</b> or an <b>organisation</b> ?	<input type="checkbox"/> An individual (including a sole trader) <input type="checkbox"/> A company or organisation
C2. What is the responding party's <b>full name</b> ?	
C3. What is the responding party's <b>address</b> ?	
C4. What is the responding party's <b>postcode</b> ?	
C5. Would you like the court to <b>serve this Claim Form</b> on the responding party on your behalf?	<input type="checkbox"/> Yes <input type="checkbox"/> No

### D. ABOUT YOUR CLAIM

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

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

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

establish your claim.

For example, you should include:

- key dates
- if there was an agreement, what you agreed to do and what the responding party 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.

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.

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

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

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.

You can also ask for alternative

<p><b>D2. Where</b> did this take place?</p>	
<p><b>D3. If your claim is successful, what do you want from the responding party?</b></p>	
<p><input type="checkbox"/> I want the responding party to be ordered by the court to pay me a <b>sum of money</b></p>	

orders. For example, you could ask for the responding party to be ordered to repair something of yours or, failing that, to give you money to buy a new item.

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

- provide a breakdown to explain the sum of money you are claiming
- set out the item(s) you want to be delivered to you
- set out exactly what you want the responding party to be ordered to do
- explain anything else you want the court to order.

<input type="checkbox"/> I want the responding party to be ordered by the court to <b>deliver something</b> to me	
<input type="checkbox"/> I want the responding party to be ordered by the court to <b>do something</b> for me	

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, reasons might include:

- that the responding party breached a contract with you (e.g. by not completing work satisfactorily)
- that the responding party caused you damage or financial loss (e.g. by breaking something belonging to you)
- that the responding party have kept something belonging to you without the right to do so (e.g. by not returning an item left with them for repair).

If this is insufficient space set out these reasons, you may use another sheet of paper, which must be headed 'D4' and must be attached to the Claim Form.

It is an important principle of the Simple Procedure that parties should be encouraged to settle their disputes by negotiation, where possible.

You should set out any steps you have taken, if any, to try to settle the dispute with the responding party.

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

D4. **Why** should your claim be successful?

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



## E. WITNESSES, DOCUMENTS AND EVIDENCE

You should list any witnesses you intend to bring to a hearing. You do not need to list yourself or the responding party.

You should provide the full name and address of any witnesses.

Your claim may require no witnesses other than you and the responding party. 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.

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.

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

1. [Name]  
[Address]  
[Relationship to the claim]
  2. [Name]  
[Address]  
[Relationship to the claim]
  3. [Name]  
[Address]  
[Relationship to the claim]
- [etc]

You should list any documents you intend to bring to a hearing. This includes photographs and other printed material which may be kept in a file.

When preparing these documents for a hearing, it is useful if they are indexed with numbers.

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

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

For example, if the claim was about damage caused to an item of clothing, you might list the item of clothing. You do not need to bring a piece of evidence if the important point can be shown in some other way, e.g. by photographs.

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

**PLEASE NOW CHECK THAT YOU HAVE COMPLETED ALL PARTS OF THIS FORM**

**NEXT STEPS**

**1**

Once you have completed this form, you should send **two copies** to the sheriff court. The court will check the Claim Form and issue a timetable for the case, including a **last date for a response** and a **date for first consideration**.

**2**

The Claim Form will be served on the responding party. The court will do this if you are an individual who is not represented by a solicitor, otherwise you will have to arrange for this to be done.

**3**

If the responding party **does** return a Response Form to the court and to you by the **last date for a response**, then the sheriff will issue written orders in this case within 14 days of the **date of first consideration** (see Part 5 of the Simple Procedure Rules).

**4**

If the responding party **does not** return a Response Form to the court and to you by the **last date for a response**, then you should complete an Application for a Decision (see Part 5 of the Simple Procedure Rules).



# The Simple Procedure Response Form

(Part 4, rules 2.1 to 2.3 and 3.1 to 3.6)

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

A claim has been raised against you under the Simple Procedure. You have been provided with a copy of the Claim Form which outlines the claim made against you. This is the **Response Form**. It must be completed by the date indicated below under 'Last date for a response'.

OFFICIAL USE ONLY Do not complete this part	
Claim Number	
Last date for service	
Last date for a response	
Date of first consideration	

The Simple Procedure Rules should be read alongside this form. They can be found at [address]. Please **read the whole Response Form** before beginning to complete it. There are guidance notes to left of 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

In this part, you must fill in information about you, so that the court knows who you are and how to contact you.

If you are an individual trading under a business name, please also give that name. If you are a company, please give the full name of your company and the company number.

A1. Are you an <b>individual</b> , a <b>company</b> or an <b>organisation</b> ?	<input type="checkbox"/> An individual (including a sole trader) <input type="checkbox"/> A company or organisation
A2. What is your <b>full name</b> ?	

If you know it, please enter the claim number of the claim being made against you.

A3. What is your <b>address</b> ?	
A4. What is your <b>postcode</b> ?	
A5. What is your <b>email address</b> ?	
A6. How would you prefer the court to <b>contact you</b> ?	<input type="checkbox"/> By post <input type="checkbox"/> By email
A7. What is the <b>claim number</b> of the claim being made against you?	

## B. YOUR OPTIONS

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

Do you admit **all** of the claim made against you?

Yes

↓

Are you able to settle the claim with the claimant **before** the last date for a response?

Yes

↓

Select option **B1.**

No

↓

Select option **B2.**

No

↓

Do you have a claim you want to make against the claimant which is **connected** to the claim made against you?

Yes

↓

Select option **B4.**

No

↓

Select option **B3.**

You must then **complete the form** and return it to the court. You will then be sent written orders by the court within 14 days of the **date of first consideration**.

	Option	Instructions
<p>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.</p>	<p>B1. <input type="checkbox"/> I want to <b>admit liability for the claim</b> and <b>settle it before</b> the last date for a response.</p>	<p>You should complete this Response Form and send it 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. You will be sent written orders by the court telling you how to proceed.</p>
<p>You should select this option if you accept that the claim against you is correct but you want to be allowed time to make any payments.</p> <p>More guidance is available on the Time to Pay Application.</p>	<p>B2. <input type="checkbox"/> I want to <b>admit liability for the claim</b> and <b>apply in writing to pay by instalments or by a deferred lump sum.</b></p>	<p>You should complete the 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. You will be sent written orders by the court telling you how to proceed.</p>
<p>You should select this option if you do not accept that the claim against you is correct, and you want to:</p> <ul style="list-style-type: none"> <li>– argue that the court does not have jurisdiction</li> <li>– respond in detail to the claim</li> <li>– dispute the amount that is being claimed.</li> </ul>	<p>B3. <input type="checkbox"/> I want to <b>dispute the claim.</b></p>	<p>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.</p>
<p>You should select this option if you do not accept that the claim against you is correct, and you want to make a claim against the claimant yourself.</p> <p>More guidance is available on the Counterclaim Form.</p>	<p>B4. <input type="checkbox"/> I want to <b>dispute the claim</b> and <b>make a counterclaim.</b></p>	<p>You should complete this Response Form and a Counterclaim Form and send both 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.</p>

### C. ABOUT YOUR REPRESENTATION

In this part, you are letting the court and the responding party know how you will be represented and, if you are represented, by whom.

If you are representing yourself, you do not need to fill in any more of this part.

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

C1. How will you be <b>represented</b> during this case?	<input type="checkbox"/> I will represent myself <input type="checkbox"/> I want to be represented by a family member or friend <input type="checkbox"/> I want to be represented by someone from an advice or advocacy organisation who is not a solicitor) <input type="checkbox"/> I will be represented by a solicitor
C2. Who is your representative?	
C3. What is the <b>address</b> of your representative?	
C4. What is the <b>email address</b> of your representative?	
C5. Would you like us to contact you <b>through your representative</b> ?	
C6. How would your representative prefer the court to <b>contact them</b> ?	<input type="checkbox"/> By post <input type="checkbox"/> By email

### D. YOUR RESPONSE

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.

D1. What is the <b>background</b> to this claim?
--

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.

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.

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.

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).

If this is insufficient space set out these reasons, you may use another sheet of paper, which must be headed 'E4' and must be attached to the Claim Form.

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



It is an important principle of the Simple Procedure that parties should be encouraged to settle their disputes by negotiation, where possible.

You should set out any steps you have taken, if any, to try to settle the dispute with the claimant.

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

D3. What steps have you taken, if any, to try to **settle the dispute** with the responding party?

## E. WITNESSES, DOCUMENTS AND EVIDENCE

You should list any witnesses you intend to bring to a hearing. You do not need to list yourself or the claimant

You should provide the full name and address of any witnesses.

Your response may require no witnesses other than you and the responding party. 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.

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 the alleged damage took place
- inspected some work which you consider to have been completed satisfactorily.

E1. Set out in a numbered list any **witnesses** you intend to bring to a hearing to support your response, their addresses and what their **relationship** to the response is.

1. [Name]  
[Address]  
[Relationship to the claim]
  2. [Name]  
[Address]  
[Relationship to the claim]
  3. [Name]  
[Address]  
[Relationship to the claim]
- [etc]

You should list any documents you intend to bring to a hearing. This includes photographs and other printed material which may be kept in a file.

When preparing these documents for a hearing, it is useful if they are indexed with numbers.

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

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

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.

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

**PLEASE NOW CHECK THAT YOU HAVE COMPLETED ALL PARTS OF THIS FORM**

**NEXT STEPS**

**1**

Once you have completed this form, you should send one copy to the sheriff court and one copy to the claimant by the **last date for a response**.

**2**

If you do this, then the sheriff will issue orders in this case within 14 days of the **date of first consideration** (see the Simple Procedure Rules Part 5).

**If you do not do this, then the sheriff is likely to award the claim to the claimant and order you to make a payment, including interest and expenses.**



# The Simple Procedure Counterclaim Form

(Part x, rule x.x)

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

To make a counterclaim using the Simple Procedure, you must **complete this Counterclaim Form** and send it to the sheriff court and to the claimant..

The Simple Procedure Rules should be read alongside this form. They can be found at [address]. Please **read the whole Counterclaim Form** before beginning to complete it. There are guidance notes to left of each part of the form.

## OFFICIAL USE ONLY

Do not complete this part.

Claim number	
Last date for service	
Last date for a response	
Date of first consideration	

## A. ABOUT YOUR COUNTERCLAIM

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

In this section, you should briefly describe the essential facts about the story behind your counterclaim. 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.

For example, you should include:

- key dates
- if there was an agreement,

A1. What is the **background** to your counterclaim?

<p>what you agreed to do and what the claimant agreed to do</p> <ul style="list-style-type: none"> <li>– when you became aware of the problem or dispute</li> <li>– whether any payments have been made so far, and if so what</li> <li>– whether any services have been provided so far, and if so what.</li> </ul> <p>If this is insufficient space to describe the essential factual background, you may use another sheet of paper, which must be headed 'A1' and must be attached to the Counterclaim Form.</p>						
<p>You should set out where the events described above took place. If any part happened online, please state this.</p>	<p><b>A2. Where</b> did this take place?</p>					
<p>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.</p> <p>You can ask for more than one type of order to be made in a counterclaim.</p> <p>You can also ask for alternative orders. For example, you could ask for the responding party to be ordered to repair something of yours or, failing that, to give you money to buy a new item.</p> <p>You should set out the detail of what you would like the court to order next to each option</p>	<p><b>A3. If your counterclaim is successful, what do you want from the claimant?</b></p> <table border="1" data-bbox="518 1198 1418 1774"> <tr> <td data-bbox="518 1198 853 1467"> <input type="checkbox"/> I want the claimant to be ordered by the court to pay me a <b>sum of money</b> </td> <td data-bbox="853 1198 1418 1467"></td> </tr> <tr> <td data-bbox="518 1467 853 1774"> <input type="checkbox"/> I want the claimant to be ordered by the court to <b>deliver something</b> to me                 </td> <td data-bbox="853 1467 1418 1774"></td> </tr> </table>		<input type="checkbox"/> I want the claimant to be ordered by the court to pay me a <b>sum of money</b>		<input type="checkbox"/> I want the claimant to be ordered by the court to <b>deliver something</b> to me	
<input type="checkbox"/> I want the claimant to be ordered by the court to pay me a <b>sum of money</b>						
<input type="checkbox"/> I want the claimant to be ordered by the court to <b>deliver something</b> to me						

that you select. For example, you should-

- provide a breakdown to explain the sum of money you are claiming
- set out the item(s) you want to be delivered to you
- set out exactly what you want the responding party to be ordered to do
- explain anything else you want the court to order.

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

You should set out briefly the reasons why your counterclaim should be successful, and the court should make the orders which you have asked for.

For example, reasons might include:

- that the claimant breached a contract with you (e.g. by not completing work satisfactorily)
- that the claimant caused you damage or financial loss (e.g. by breaking something belonging to you)
- that the claimant have kept something belonging to you without the right to do so (e.g. by not returning an item left with them for repair).

If this is insufficient space set out these reasons, you may use another sheet of paper, which must be headed 'A4' and must be attached to the Counterclaim Form.

**A4. Why** should your counterclaim be successful?

It is an important principle of the Simple Procedure that parties should be encouraged to settle their disputes by negotiation, where possible.

You should set out any steps you have taken, if any, to try to settle the dispute with the responding party. The court will use this information to assess whether more negotiation would help you and the responding party settle your dispute.

A5. What steps have you taken, if any, to try to **settle the dispute** with the responding party?

**B. WITNESSES,  
DOCUMENTS AND  
EVIDENCE**

If you intend to bring any witnesses, documents or evidence to court to support your counterclaim, you should list these in your Response Form.

**PLEASE NOW CHECK THAT YOU HAVE COMPLETED ALL PARTS OF THIS FORM**

**NEXT STEPS**

**1**

Once you have completed this form, you should send one copy to the sheriff court with a completed Response Form and one copy to the claimant with a completed Response Form by the **last date for a response**.

**2**

The sheriff will then issue orders in this case within 14 days of the **date of first consideration** (see the Simple Procedure Rules Part 5).



# The Simple Procedure Confirmation of Service Notice

(Part 5, rules x.x to x.x)

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 the Certificate of Service. It is used to confirm to the court when something has been properly served. It must be completed and returned to the court whenever you are required to serve something on someone under the rules.

## A. ABOUT THE CASE

In this part, you must fill in information about the case.

A1. Claim number	
A2. Name of case	

## B. ABOUT YOU

In this part, you must fill in information about you.

B1. What is your <b>full name</b> ?
-------------------------------------

## C. ABOUT THE SERVICE

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

You must describe here the method of service you used.

C1. Who did you <b>serve something</b> on?
C2. What <b>method of service</b> did you use?
C3. On what <b>date</b> did you perform service?

## D. SIGNATURE

D1. Please <b>sign</b> here:	Solicitor
------------------------------	-----------





# The Simple Procedure Claim Service Notice

(Part 5, rules x.x to x.x)

## 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 **less than £5,000**. The Simple Procedure Rules are available on the Scottish Courts and Tribunals Service website at [address].

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 **responding party**.

This envelope should contain:

- this Notice,
- a completed Claim Form, and
- a blank Response Form.

## What should you do next?

You should read the completed Claim Form carefully, because it sets out the nature of 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.

The front page of the Claim Form tells you what the **last date for a response** is. This is the date by which, if you want to dispute the claim, you must return 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 or [an advocacy organisation].



# The Simple Procedure Application for a Decision

(Part 6, rules 4.1 to 4.3 and 5.1 to 5.3)

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 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.
- to ask the court to dismiss a claim if the case has settled before the last date for a response.

## A. ABOUT THE CASE

In this part, you must fill in information about the case.

A1. Claim number	
A2. Name of case	

## B. ABOUT YOU

In this part, you must fill in information about you so that the court knows who you are.

B1. What is your <b>full name</b> ?	
B2. Are you the <b>claimant</b> or the <b>responding party</b> ?	<input type="checkbox"/> Claimant <input type="checkbox"/> Responding party

## C. ABOUT THE CASE

In this part, you must indicate what has happened that entitles you to make an Application for a Decision.

C1. What has <b>happened</b> ?	<input type="checkbox"/> <b>No Response Form</b> has been sent to the court by the last date for a response. <input type="checkbox"/> The claimant and the responding party have <b>settled</b> the claim.
--------------------------------	---

## D. THE DECISION

In this part, you must indicate the order(s) which you would like the sheriff to make.

If you are applying because no Response Form was sent to the court, you are entitled to the orders you asked for in your claim.

If you are applying because the case has settled, you are entitled to have the claim dismissed.

D1. What **decision** would you like the sheriff to make?

☐ I would like the sheriff to **make the orders asked for in the Claim Form** against the following responding party:

☐ I would like the sheriff to **dismiss the case**.



# The Simple Procedure Application to Freeze

(Part 8, rules 2.1 to 2.4)

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

This is an Application to Freeze.

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 unfrozen.

You must send this application 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 form:

This is an Application to Freeze.

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 unfrozen.

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

You must fill in part C of this application ('the response') and return it to the court. The court will then do one of three things: freeze the case, refuse to freeze the case, or issue written orders.

## A. ABOUT THE CASE

In this part, you must fill in information about the case. This is so that the court can identify the correct case.

A1. What is the name of the <b>claimant</b> ?	
A2. What is the name of the <b>responding party</b> ?	
A3. Which party are you?	<input type="checkbox"/> The claimant <input type="checkbox"/> The responding party

## B. THE APPLICATION

In this part, you must set out why you want the court to freeze this case.

If you are the party responding to the application, <b>do not fill in this part</b> . This part is for the <b>other party</b> to fill in.	
B1. Why should the court <b>freeze this case</b> ?	

## C. THE RESPONSE

In this part, you must set out your response to the application to freeze.

If you are the party making the application, <b>do not fill in this part</b> . This part is for the <b>other party</b> to fill in.	
C1. Should the court <b>freeze this case</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
C2. If no, why should the court <b>not freeze this case</b> ?	

#### NEXT STEPS

**1**

If you are the party making the application to freeze, you must send one copy of the application to the court and one copy of the application to the other party (or parties) in the case.

**2**

If you have received this application to freeze, you must complete part C ('Response') and send a copy of the completed application to the court.

**3**

The court will then send all parties its orders in this case. It can do one of three things:

- grant the application, and freeze the progress of the case,
- refuse the application, and the progress of the case continues, or
- order both parties to appear at a hearing, where the sheriff will consider whether to freeze the progress of the case.



# The Simple Procedure Application to Unfreeze

(Part 8, rules 3.1 to 3.x)

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

This is an Application to Unfreeze.

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

You must send this application 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 form:

This is an Application to Unfreeze.

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 unfrozen.

You must fill in part C of this application ('the response') and return it to the court. The court will then do one of three things: unfreeze the case, refuse to unfreeze the case, or issue written orders.

## A. ABOUT THE CASE

In this part, you must fill in information about the case. This is so that the court can identify the correct case.

A1. What is the name of the <b>claimant</b> ?	
A2. What is the name of the <b>responding party</b> ?	
A3. Which party are you?	<input type="checkbox"/> The claimant <input type="checkbox"/> The responding party

## B. THE APPLICATION

In this part, you must set out why you want the court to unfreeze this case.

If you are the party responding to the application, <b>do not fill in this part</b> . This part is for the <b>other party</b> to fill in.	
B1. Why should the court <b>unfreeze this case</b> ?	

## C. THE RESPONSE

In this part, you must set out your response to the application to unfreeze.

If you are the party making the application, <b>do not fill in this part</b> . This part is for the <b>other party</b> to fill in.	
C1. Should the court <b>unfreeze this case</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
C2. If no, why should the court <b>not unfreeze this case</b> ?	



#### NEXT STEPS

**1**

If you are the party making the application to unfreeze, you must send one copy of the application to the court and one copy of the application to the other party (or parties) in the case.

**2**

If you have received this application to unfreeze, you must complete part C ('Response') and send a copy of the completed application to the court.

**3**

The court will then send all parties its orders in this case. It can do one of three things:

- grant the application, and unfreeze the progress of the case,
- refuse the application, and the case continues to be frozen, or
- order both parties to appear at a hearing, where the sheriff will consider whether to unfreeze the progress of the case.



# The Simple Procedure Decree Form

(Part 12, rules 3.1 to 3.3)

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 the Decree Form. It contains the terms of the decision that the sheriff has made at the end of the case. It can be used to enforce the decision of the sheriff.

## A. ABOUT THE CASE

In this part, the details of the case are set out.

A1. Claim number	
A2. Name of case	
A3. Sheriff Court	

## B. THE SHERIFF'S DECISION

In this part, the orders which the sheriff has made at the end of the case are listed.

B1. *[Insert the terms of the decree here. See Part 16 of these Rules for examples of orders that can be used in a Decree Form]*

## C. EXPENSES

In this part, any orders which the sheriff has made about who should pay expenses to whom are listed.

C1.
-----

## D. SIGNATURE

D1. Please **sign** and **date** here:

Sheriff clerk depute

**THIS EXTRACT DECREE IS WARRANT FOR ALL LAWFUL EXECUTION THEREON.**



# The Simple Procedure Application to Revoke

(Part 12, rules 5.1 to 5.5)

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 Application to Revoke. You can use this Application to ask the sheriff to revoke a decision made because of your failure to attend a hearing.

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.

## A. ABOUT THE CASE

In this part, you must fill in information about the case.

A1. Claim number	
A2. Name of case	

## B. ABOUT YOU

In this part, you must fill in information about you so that the court knows who you are.

B1. What is your <b>full name</b> ?	
B2. Are you the <b>claimant</b> or the <b>responding party</b> ?	<input type="checkbox"/> Claimant <input type="checkbox"/> Responding party

## C. REVOCATION

In this part, you must identify the date on which the sheriff made the decision which you are applying to revoke.

C1. I apply to the sheriff to revoke the decision in this case made on the date below:
--

## Part 16: Standard orders

### What is this Part about?

- 1.1** This Part contains the standard orders which sheriffs can use. See Part 7 of these Rules for more about standard orders.

### What standard orders are in this Part?

- 2.1** This table lists all of the standard orders and the situations in which they can be used:

<i>Name of standard order</i>	<i>Situation</i>
Response Form received: ordering a hearing	This standard order can be used when a Response Form has been received and the sheriff considers that the case is ready to proceed to a hearing.
Response Form received: ordering a case management conference	This standard order can be used when a Response Form has been received and the sheriff considers that a case management conference is necessary before a hearing.
Response Form received: dismissing a claim or part of a claim	This standard order can be used when a Response Form has been received and the sheriff is satisfied that a claim (or part of a claim) obviously has no basis in law or no real prospect of success.
Response Form received: asking parties whether a decision can be made with no hearing	This standard order can be used when the sheriff considers that the only dispute between the parties is on a point of law.
Transferring a case between courts	This standard order can be used when a sheriff is ordering a case to continue in a different sheriff court.
Re-service	This standard order can be used when a sheriff considers that service of the Claim Form has not been done properly.
Application to Freeze	This standard order can be used when a sheriff freezes the progress of a case.
Application to Unfreeze	This standard order can be used when a sheriff unfreezes the progress of a case.
Frozen case: unless order	This standard order can be used when the sheriff clerk has presented a case to the sheriff which has been frozen for at least 6 months.
Additional Responding Party Application	This standard order can be used when a sheriff allows an applicant to become an additional responding party.

Decision: dismissing a claim	This standard order can be used in a Decree Form when the sheriff's decision is to dismiss a claim.
Decision: ordering the responding party to pay the claimant a sum of money	This standard order can be used in a Decree Form when the sheriff's decision is to order the responding party to pay the claimant a sum of money.
Decision: ordering the responding party to deliver something to the claimant	This standard order can be used in a Decree Form when the sheriff's decision is to order the responding party to deliver something to the claimant.
Decision: ordering the responding party to do something for the claimant	This standard order can be used in a Decree Form when the sheriff's decision is to order the responding party to do something for the claimant.
Decision: absolving the responding party	This standard order can be used in a Decree Form when the sheriff's decision is to absolve the responding party.
Decision: unless order	This standard order can be used to provide that, unless a specified procedural step is taken, the claim will be automatically dismissed.



# 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 to. You should **read it** and **follow it**.

Claim number	
Date of order	

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

Both parties 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.

## Evidence and documents

The sheriff has considered the evidence and documents which the claimant intends to bring to the hearing. The claimant is **ordered** to **also** bring the following documents or pieces of evidence to the hearing:

1. [list]

The sheriff has considered the evidence and documents which the claimant intends to bring to the hearing. The responding party is **ordered** to **also** bring the following documents or pieces of evidence to the hearing:

1. [list]

The parties are **ordered** to send to **each other** copies of all documents which they are bringing to the hearing. This must be done at least **14 days** before the hearing date.

The parties are **ordered** to lodge with the sheriff clerk copies of all documents which they are bringing to the hearing. This must be done at least 14 days before the hearing date.

Both parties are **ordered** to bring the original documents to the hearing.

Both parties are **ordered** to lodge with the sheriff clerk any other items of evidence at least **14 days** before the hearing date.

Both parties are **ordered** to bring to the court any items of evidence which they have listed on either the Claim Form or the Response Form but which is not reasonably capable of being lodged with the court.

No party may rely at the hearing on any evidence or documents which they have not listed in the Claim Form or the Response Form, unless they ask for the permission of the sheriff at the hearing. Permission will not be given unless there is an acceptable reason why the evidence or document was not listed on the Form.

#### **Clarification**

The claimant is **ordered** to write to the court and to the responding party at least **14 days** before the hearing date 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 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 where 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 without providing the sheriff with an acceptable excuse.

**Signed**

Sheriff of [sheriffdom] at [sheriff court]



# The Simple Procedure Order of the Sheriff

[Response Form received: ordering a case management conference]

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 to. You should **read it** and **follow it**.

Claim number	
Date of order	

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:-**

The sheriff would like to discuss this case with **both parties** before ordering a formal court hearing at which a decision in the case can be made. Both parties are therefore **ordered** to attend a case management conference in the sheriff court.

The purpose of a case management conference 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 conference, the sheriff will also discuss with both parties their attitudes to negotiation and alternative dispute resolution.

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

The purpose of a case management conference is not to resolve the dispute between parties, but with the consent of both parties the sheriff may make a decision at a case management conference.

## Clarification

The claimant is **ordered** to write to the court and to the responding party 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]

**Case management conference**

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 the case management conference, the sheriff will expect both parties to be prepared to discuss the case.

**Signed**

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 to. You should **read it** and **follow it**.

Claim number	
Date of order	

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

## Transfer to a different sheriff court

This case is currently in *[name of 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**

Sheriff of [sheriffdom] at [sheriff court]



# The Simple Procedure Order of the Sheriff

[Application to Freeze]

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**.

## OFFICIAL USE ONLY

Do not complete this part.

Claim number	
Date of order	

The court has received an Application to Freeze.

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

*[This order can be used where the sheriff has decided to grant the application, without a hearing:]*

## Freezing Order

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

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 unfrozen. Either party can ask for this to happen by sending an Application to Unfreeze 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.

*[This order can be used where the sheriff has decided to refuse the application, without a hearing:]*

## Freezing Order

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

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

*[This order can be used where the sheriff has decided that a hearing is necessary to decide the*

*application:]*

### **Hearing Date**

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

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 discuss whether the progress of the case should be frozen. 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 hearing without providing the sheriff with an acceptable excuse.

**Signed**

Sheriff of [sheriffdom] at [sheriff court]



# The Simple Procedure Order of the Sheriff

[Application to Unfreeze]

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 to. You should **read it** and **follow it**.

Claim number	
Date of order	

The court has received an Application to Unfreeze.

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

*[This order can be used where the sheriff has decided to grant the application, without a hearing:]*

## Freezing Order

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

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.

*[This order can be used where the sheriff has decided to refuse the application, without a hearing:]*

## Freezing Order

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

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

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

## Hearing Date

The sheriff wants to hear from both parties before deciding whether to unfreeze the progress of this

case.

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 discuss whether the progress of the case should be unfrozen. 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 hearing without providing the sheriff with an acceptable excuse.

**Signed**

Sheriff of [sheriffdom] at [sheriff court]



# The Simple Procedure Order of the Sheriff

[Frozen 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 to. You should **read it** and **follow it**.

Claim number	
Date of order	

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

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

## **Possibility of dismissal**

This case has now been frozen 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 responding party] 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 frozen, 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 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 discuss the progress of the case. ]

**Signed**

Sheriff of [sheriffdom] at [sheriff court]



# **The Simple Procedure Order of the Sheriff**

[Decision: dismissing a claim]

The sheriff dismisses the claim against the responding party.





# The Simple Procedure Order of the Sheriff

[Decision: ordering the responding party to pay the claimant a sum of money]

The sheriff orders the responding party to pay the claimant the following sums of money:

1. [list].



# The Simple Procedure Order of the Sheriff

[Decision: ordering the responding party to deliver something to the claimant]

The sheriff orders the responding party to deliver to the claimant the following items:

1. [list].

The sheriff grants warrant to officers of court to do the following:

1. open shut and lockfast places occupied by the responding party, and
2. search for and take possession of the items listed above in the possession of the responding party.



# The Simple Procedure Order of the Sheriff

[Decision: ordering the responding party to do something for the claimant]

The sheriff orders the responding party to do the following:

1. [list].



# The Simple Procedure Order of the Sheriff

[Decision: absolving the responding party]

The sheriff absolves the responding party.



# The Simple Procedure Order of the Sheriff

[Decision: unless order]

## Order

The sheriff orders [the claimant] 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.

## Part 17: Interpreting these Rules and the administration of the simple procedure

### Interpreting these Rules

**1.1** In these Rules, some words and phrases have a special meaning.

**1.2** This table sets out those words and phrases and explains the special meaning which they have:

<i>Word or phrase</i>	<i>Special meaning</i>
A decision absolving the responding party	A decree of absolvitor
A decision ordering the responding party to deliver something to the claimant	A decree for delivery or for recovery of possession
A decision ordering the responding party to do something for the claimant	A decree <i>ad factum praestandum</i> .
A decision ordering the responding party to pay the claimant a sum of money	A decree for payment.
Advocate	A practising member of the Faculty of Advocates
Any time before the decision of the sheriff has been fully implemented	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).  Where the sheriff's decision includes a decree for removing from heritable property to which section 216(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 applies, any time before the defender has been removed from the subjects or premises.
A person entitled to act as a lay representative	A person entitled by either these Rules or by any other enactment to act as a lay representative in the sheriff court.
A question of EU law	A question which might lead to a reference to the European Court for a preliminary ruling under Article 267 of the Treaty on the Functioning of the European Union, Article 150 of the Euratom Treaty or Article 41 of the E.C.S.C Treaty, or a ruling on the interpretation of the Conventions, as defined in section 1(1) of the Civil Jurisdiction and Judgements Act 1982, under Article 3 of Schedule 2 to that Act.
Child Witness Notice	A child witness notice under section 12(2) of the Vulnerable Witnesses (Scotland) Act 2004.
Claim	The claim against the responding party made by the claimant, including what the claimant wants from the responding party, as set out in the

	Claim Form and why the claimant thinks the claim should be successful.
	Also, where applicable, a counterclaim made by the responding party, including what the responding party wants from the claimant, as set out in the Counterclaim Form and why the responding party thinks the counterclaim should be successful.
European Court	The Court of Justice of the European Union.
First class recorded delivery post	A postal service which seeks to delivery documents or other things by post no later than the next working day in all or the majority of cases, and which provides for that delivery by post to be recorded.
Freeze the progress of a case	Sist the case.
Independent person	A commissioner before whom evidence is taken in accordance with section 19 of the Vulnerable Witnesses (Scotland) Act 2004.
Ordinary cause	An action under the Ordinary Cause Rules 1993.
In Part 13, rule 2.2, the words initial writ, intimate, defences, options hearing and lodging.	These words have the meaning they have in the Ordinary Cause Rules 1993.
Response	The response to the claim made by the responding party, including why the responding party thinks the claimant should not get what was asked for or should only get some of what was asked for.
Special Measures Review Application	An application under section 13 of the Vulnerable Witnesses (Scotland) Act 2004.
Solicitor	A qualified solicitor under of section 4 of the Solicitors (Scotland) Act 1980.
Supporter	In Part 9 of these Rules, a supporter within the meaning of section 22(1) of the Vulnerable Witnesses (Scotland) Act 2004.
The CEHR	The Commission for Equality and Human Rights.
The principles of simple procedure	The principles contained in rules 2.1 to 2.5.
The Sheriff Appeal Court Rules 2015	
The SCHR	The Scottish Commission for Human Rights.
The Treaty on the Functioning of the European Union	
Unfreeze the progress of a case	Recall a sist.
Vulnerable Witness Application	A vulnerable witness application under section

**The duties and powers of the sheriff clerk**

- 2.1** In each sheriffdom, the sheriff clerk must keep and maintain an electronic Register of Simple Procedure Cases.
- 2.2** The Register must record the following information in relation to each simple procedure case:
- (a) the names and addresses of the parties,
  - (b) the nature of each claim,
  - (c) the amount of each claim,
  - (d) the 3 dates identified under Part 3, rule 2.3 of these Rules,
  - (e) the method of any service performed,
  - (f) whether a Response Form was sent to court,
  - (g) the details of any Response Form sent to court,
  - (h) the details of any application made,
  - (i) the attendance or non-attendance of the parties at any hearing,
  - (j) whether the parties were represented at any hearing, and the names of any representatives,
  - (k) the details of any orders made by the sheriff,
  - (l) the details of any decision made by the sheriff.
- 2.3** The sheriff clerk must make the Register of Simple Procedure Cases available for inspection to the public during normal business hours.
- 2.4** The sheriff clerk may sign orders of the sheriff on behalf of the sheriff.

**Warrants**

- 3.1** A claim being entered into the Register of Simple Procedure Claims is warrant for the service of the Claim Form on the responding party.
- 3.2** A claim being entered into the Register of Simple Procedure Claims is warrant for the citation of witnesses listed in the Claim Form.
- 3.3** The details of a Response Form being entered into the Register of Simple Procedure Claims is warrant for the citation of witnesses listing in the Response Form.
- 3.4** A sheriff ordering a witness to be brought to court under Part 10, rule 3.4 of these Rules is warrant for the apprehension of that witness and for having that witness brought to court. That warrant is effective in all sheriffdoms without endorsement. The expenses of that warrant may be awarded against the witness.
- 3.5** A signed copy of a Decree Form is warrant for all lawful execution thereon.