SCOTTISH STATUTORY INSTRUMENTS

2002 No. 132

SHERIFF COURT

Act of Sederunt (Summary Cause Rules) 2002

Made - - - -	*1st March 2002*
Coming into force - -	*10th June 2002*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(**1**) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Cause Rules) 2002 and shall come into force on 10th June 2002.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Summary Cause Rules

2. The provisions of Schedule 1 to this Act of Sederunt shall have effect for the purpose of providing rules for a summary cause other than a small claim.

Transitional provision

3. Nothing in Schedule 1 to this Act of Sederunt shall apply to a summary cause commenced before 10th June 2002 and any such action shall proceed according to the law and practice in force immediately before that date.

Revocation

4. The Acts of Sederunt mentioned in column (1) of Schedule 2 to this Act of Sederunt are revoked to the extent specified in column (3) of that Schedule except–

(a) in relation to any summary cause commenced before 10th June 2002; and

(**1**) 1971 c. 58. Section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4), the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2) and the Adults with Incapacity (Scotland) Act 2000 (asp 4), Schedule 5, paragraph 13, and was extended by sections 39(2) and 49 of the Child Support Act 1991 (c. 48).

(b) for the purposes of the Act of Sederunt (Small Claim Rules) 1988(**2**).

Edinburgh
1st March 2002

W DOUGLAS CULLEN
Lord President, I.P.D.

(**2**) S.I. 1988/1976 as amended by S.I. 1990/661 and 2105, 1991/821, 1992/249 and 1993/1956.

SCHEDULE 1 Paragraph 2

SUMMARY CAUSE RULES 2002

ARRANGEMENT OF RULES

CHAPTER 1

Citation, interpretation and application

1.1 Citation, interpretation and application

CHAPTER 2

Representation

2.1 Representation

CHAPTER 3

Relief from failure to comply with rules

3.1 Dispensing power of sheriff

CHAPTER 4

Commencement of action

4.1 Form of summons
4.2 Statement of claim
4.3 Defender's copy summons
4.4 Authentication and effect of summons
4.5 Period of notice
4.6 Intimation

CHAPTER 5

Register of Summary Causes, service and return of the summons

5.1 Register of Summary Causes
5.2 Persons carrying on business under trading or descriptive name
5.3 Form of service and certificate thereof
5.4 Service within Scotland by sheriff officer
5.5 Service on persons whose address is unknown
5.6 Service by post
5.7 Service on persons outwith Scotland
5.8 Endorsation by sheriff clerk of defender's residence not necessary
5.9 Contents of envelope containing defender's copy summons
5.10 Re-service

5.11 Defender appearing barred from objecting to service
5.12 Return of summons

CHAPTER 6

Arrestment

6.1 Service of schedule of arrestment
6.2 Arrestment before service
6.3 Recall and restriction of arrestment

CHAPTER 7

Undefended action

7.1 Undefended action
7.2 Application for time to pay direction or time order
7.3 Decree in actions to which the Hague Convention or the Civil Jurisdiction and Judgments Act 1982 apply

CHAPTER 8

Defended action

8.1 Response to summons
8.2 Procedure in defended action
8.3 Purpose of hearing
8.4 Remit to person of skill
8.5 Inspection and recovery of documents
8.6 Exchange of lists of witnesses
8.7 Exchange of reports of skilled witnesses
8.8 Evidence generally
8.9 Hearing parts of action separately
8.10 Returning borrowed parts of process before proof
8.11 Conduct of proof
8.12 Administration of oath or affirmation to witness
8.13 Noting of evidence etc.
8.14 Parties to be heard at close of proof
8.15 Objections to admissibility of evidence
8.16 Incidental appeal against rulings on confidentiality of evidence and production of documents
8.17 Application for time to pay direction or time order in defended action
8.18 Pronouncement of decision

CHAPTER 9

Incidental applications and sists

9.1 General
9.2 Application to sist action

CHAPTER 10

Counterclaim

10.1 Counterclaim

CHAPTER 11

Third party procedure

11.1 Application for third party notice
11.2 Procedure
11.3 Warrants for diligence on third party notice

CHAPTER 12

Summary decree

12.1 Application of chapter
12.2 Application for summary decree
12.3 Summary decree in a counterclaim etc.

CHAPTER 13

Alteration of summons etc.

13.1 Alteration of summons etc.

CHAPTER 14

Additional defender

14.1 Additional defender

CHAPTER 15

Application for sist of party and transference

15.1 Application for sist of party and transference

CHAPTER 16

Transfer and remit of actions

16.1 Transfer to another court
16.2 Remit between procedures
16.3 Remit from Court of Session

CHAPTER 17

Productions and documents

17.1 Lodging of productions