
STATUTORY INSTRUMENTS

1988 No. 1978

**Act of Sederunt (Amendment of Sheriff Court
Ordinary Cause, and Summary Cause, Rules) 1988**

AMENDMENT OF ORDINARY CAUSE RULES

5.—(1) In paragraph (1) of rule 5 (warrant of citation)⁽¹⁾, after the words “and of separation” insert the words “or an action in which a time to pay direction under the Debtors (Scotland) Act 1987 may be applied for by the defender”.

(2) In paragraph (3) of rule 5, for the word “in” where it first occurs, substitute the words “subject to paragraph (4), in”.

(3) At the end of rule 5, insert the following paragraphs:—

“(4) In a summary application in which a time to pay direction under the Debtors (Scotland) Act 1987 may be applied for by the defender, the warrant of citation shall be framed as nearly as may be in accordance with form B3 as set out in the Appendix to this Schedule.

(5) In an ordinary cause in which a time to pay direction under the Debtors (Scotland) Act 1987 may be applied for by the defender, the warrant of citation shall be framed as nearly as may be in accordance with form B4 as set out in the Appendix to this Schedule.

(6) In any cause in which warrant for citation in accordance with forms B3 or B4, as the case may be, is appropriate, there shall be served on the defender (along with the initial writ and warrant) a notice in accordance with form B5 (ordinary action) or B6 (summary application), as the case may be, as set out in the Appendix to this Schedule.”.

⁽¹⁾ Paragraph (1) of rule 5 was amended by S.I.1984/255 and 1986/1230