
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 435

**Act of Sederunt (Sheriff Court European
Small Claims Procedure Rules) 2008**

Transfer to domestic procedure

4.—(1) This rule applies where, under paragraph 3 of Article 4 (commencement of the procedure) it is determined that a claim presented under the procedure established by the Regulation is outside the scope of the Regulation.

(2) The sheriff clerk must, within 21 days of the determination, send to the claimant a notice in Form 1.

(3) Where the claimant does not withdraw the claim, the proceedings shall proceed under the Ordinary Cause Rules, the Summary Cause Rules or the Small Claim Rules, as the case may be, and the sheriff is to make an order containing such provision as the sheriff thinks fit for the purpose of bringing the proceedings into line with an appropriate stage of proceedings under those rules.

(4) The provision which may be made in an order under paragraph (2) includes—

- (a) provision dispensing with any provision of the rules concerned; or
- (b) provision deeming any document lodged in the proceedings under the Regulation to constitute a document in proceedings under those rules.

(5) The sheriff clerk must, within 21 days of the making of the order, send to the claimant a notice in Form 2.