
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 313

Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016

CHAPTER 12

WITHDRAWAL OF SOLICITORS

Arrangements for peremptory hearing

- 12.3.**—(1) On notice being given under rule 12.2(1), the sheriff is to make an order—
- (a) ordaining the party whose solicitor has withdrawn from acting to appear or be represented at a peremptory hearing;
 - (b) fixing a date and time for the peremptory hearing;
 - (c) appointing any other party to the proceedings to intimate the order and a notice in Form 12.3 to that party within 7 days after the date of the order.
- (2) A peremptory hearing is to be fixed no sooner than 14 days after the date on which an order is made under paragraph (1).
- (3) The sheriff may vary the period of 7 days mentioned in paragraph (1) or the period of 14 days mentioned in paragraph (2)—
- (a) of the sheriff's own accord; or
 - (b) on cause shown, on the application of any other party to the proceedings.
- (4) Where any previously fixed hearing is to occur within 14 days after the date on which the sheriff clerk is given notice under rule 12.2(1), the sheriff may continue consideration of the withdrawal to that previously fixed hearing instead of making an order under paragraph (1).
- (5) Where an order and a notice in Form 12.3 are intimated under this rule, the party appointed to intimate them must lodge a certificate of intimation in Form 5.7—
- (a) within 14 days from the date of intimation; or
 - (b) before the peremptory hearing,
- whichever is sooner.