
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 313

Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016

CHAPTER 3

SANCTIONS FOR FAILURE TO COMPLY

Circumstances where a party is in default

- 3.1.** A party is in default if that party fails—
- (a) to implement an order made by the sheriff within the period specified in the order;
 - (b) to appear or be represented at any hearing; or
 - (c) otherwise to comply with any requirement imposed on that party by these Rules.

Sanctions where a party is in default

- 3.2.—(1)** This rule—
- (a) applies where a party is in default; but
 - (b) does not apply where a party is in default because the party has failed to comply with rule 12.4(1) (peremptory hearing).
- (2) The sheriff may make any order to secure the expeditious disposal of the proceedings.
- (3) In particular, the sheriff may—
- (a) refuse the appeal, application or petition, if the party in default is the appellant, applicant or petitioner;
 - (b) allow the appeal, application or petition, if the condition in paragraph (4) is satisfied, where—
 - (i) the party in default is the sole respondent; or
 - (ii) every respondent is in default.
- (4) The condition is that the appellant, applicant or petitioner must show cause why the appeal, application or petition should be allowed.