
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 154

**Act of Sederunt (Sheriff Court Rules
Amendment) (Miscellaneous) 2017**

Amendment of the Act of Sederunt (Simple Procedure) 2016

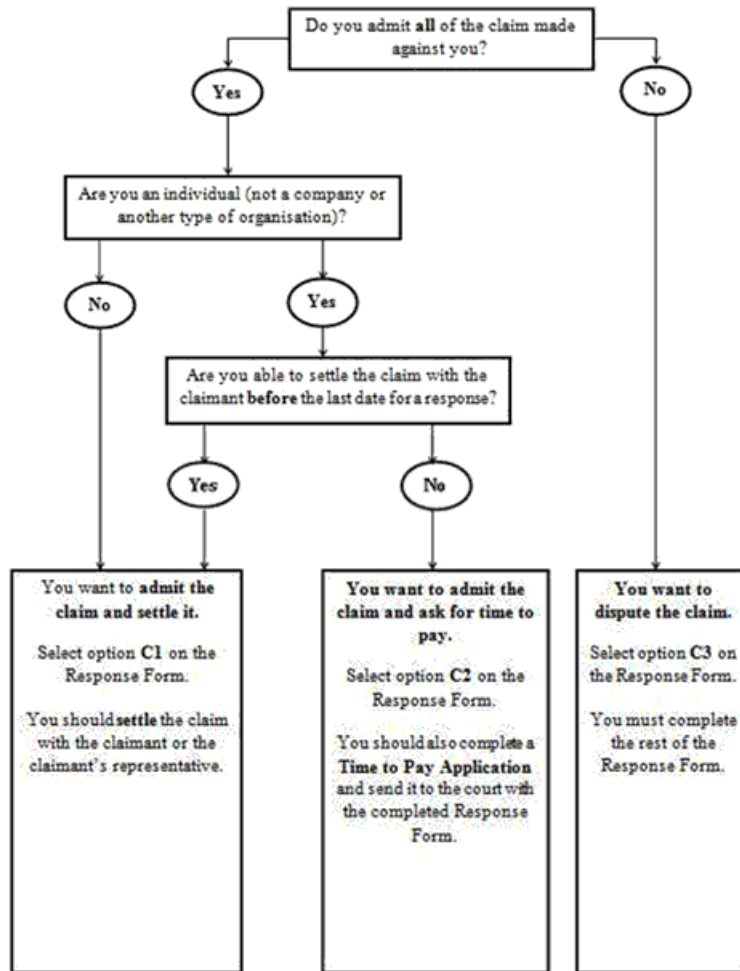
2.—(1) The Act of Sederunt (Simple Procedure) 2016⁽¹⁾ is amended in accordance with this paragraph.

(2) In schedule 1 (the simple procedure rules)—

(a) for rule 4.3(3) substitute—

“(3) This flow-chart sets out how the respondent may respond to a claim:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.



”;

- (b) after rule 6.7(1) insert—
- “(2) If none of those ways has worked, a party may send it to another party by sheriff officer using one of the methods of formal service mentioned in rule 18.3.”;
- (c) for rule 10.5(3) substitute—
- “(3) Each party must collect the documents or other evidence which that party lodged with the court within 2 weeks of:
- (a) the end of the 4 week period, or
 - (b) if the decision is appealed, the date of the appeal decision.”;
- (d) after rule 13.5(3) insert—
- “(4) A party may only apply to have a decision of the sheriff recalled in a case once.”; and
- (e) in rule 15.3—
- (i) for paragraph (2) substitute—

“(2) Before enforcing a decision for the payment of a sum of money in the following ways:

- (a) an earnings arrestment (which is where a deduction is made from the earnings of the other party as a way of paying that sum of money),
- (b) an attachment (which is where certain goods owned by the other party are seized and sold as a way of paying that sum of money),
- (c) a money attachment (which is where money in the possession of the other party is seized as a way of paying that sum of money),

the successful party must formally serve a Charge on the other party by sheriff officer using a method of formal service mentioned in rule 18.3.”; and

(ii) after paragraph (6) insert—

“(7) The Charge must be in the form set out in the schedule of the Act of Sederunt (Form of charge for payment) 1988(2).”.

(3) In schedule 2 (forms)—

(a) in Form 3B (further claimant form)—

(i) part C becomes part B;

(ii) in the renumbered section B1—

(aa) for “C2” substitute “B2”;

(bb) for “C3” substitute “B3”; and

(iii) the renumbered section B5 becomes section B4.

(b) for Form 4A (response form), Form 6A (notice of claim), Form 6C (confirmation of formal service) and Form 11B (witness citation notice) substitute the corresponding Form 4A, 6A, 6C and 11B set out in the schedule of this Act of Sederunt;

(c) in Form 5A (time to pay application), in the introduction, after “the claim made against you by the claimant.” insert “Only an individual (not a company or another type of organisation) may ask for time to pay.”;

(d) in Form 13A (decision form), in section A, at the end insert an entry for “Date of decision”;

(e) omit Form 15A (charge to pay); and

(f) in Form 20D (arrestment notice), in section D, at the end insert an entry for “Signature of sheriff officer”.