

2022 No. 211

SHERIFF COURT

**Act of Sederunt (Simple Procedure Amendment)
(Miscellaneous) 2022**

Made - - - - - *15th June 2022*

Laid before the Scottish Parliament *16th June 2022*

Coming into force - - - *28th November 2022*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council with such modifications as it thinks appropriate.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by section 104(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Simple Procedure Amendment) (Miscellaneous) 2022.

(2) It comes into force on 28th November 2022.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Act of Sederunt (Simple Procedure) 2016

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

(2) In Schedule 1 (Simple Procedure Rules)(d)—

(a) after rule 1.8(11)(e), insert—

“(11A) If a response, or part of a response, obviously has no real prospect of success, the sheriff may decide the case, or that part of it, at any time.”;

(b) omit rule 3.3(2) and (3);

(c) omit rule 3.4;

(d) omit rule 3.5;

(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(b) 2014 asp 18.

(c) S.S.I. 2016/200, last amended by S.S.I. 2022/81.

(d) Schedule 1 was last amended by S.S.I. 2022/81.

(e) Rule 1.8 was amended by S.S.I. 2016/315.

- (e) for rule 3.7(2)(a), substitute—
 - “(2) If the Claim Form has been completed on paper and indicates that the claimant would like the sheriff clerk to formally serve the Claim Form then two copies must be sent to the court.”;
- (f) in rule 3.13(2) and (3), for “a Change of Timetable Application” substitute “an Additional Orders Application (see Part 9)”;
- (g) omit rule 4.4(3) and (4);
- (h) in rule 5.6(b)—
 - (i) in paragraph (2), for “must” substitute “may”;
 - (ii) in paragraph (3), for “At a time to pay hearing, the sheriff” substitute “The sheriff”;
- (i) in rule 6.11—
 - (i) in paragraph (2), after “Claim Form” insert “by a next-day postal service which records delivery”;
 - (ii) omit paragraph (3)(b);
- (j) in rule 7.2(2)(c)—
 - (i) omit “do one of three things”;
 - (ii) in sub-paragraph (c), after “order the claimant” insert “or the parties”;
- (k) after rule 7.5(4)(d), insert—
 - “(5) If the sheriff makes an order under paragraph (4), the sheriff will issue written orders within two weeks of the final date on which the additional respondent is required to lodge a response.
 - (6) The sheriff clerk may formally serve the Claim Form and Response Form by a next-day postal service which records delivery if—
 - (a) the respondent is not a company, limited liability partnership or partnership, and
 - (b) the respondent is not legally represented.”;
- (l) in rule 7.6(1)—
 - (i) omit “do any of 5 things”;
 - (ii) in sub-paragraph (d), after “doing so,” insert “and give the parties an opportunity to object to a decision being made without a hearing”;
 - (iii) in sub-paragraph (e), for “rule 1.8(11), (12) and (13)” substitute “rule 1.8(11), (11A), (12) or (13)”;
- (m) in rule 8.3(2), omit “do one of three things”;
- (n) after rule 8.4(2), insert—
 - “(3) An order made under paragraph (1) must be formally served by the sheriff clerk on the party given the order unless the sheriff directs otherwise.”;
- (o) for Part 9 (applications)(e), substitute—

“PART 9: Additional Orders Applications

9.1 What is this Part about?

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- (a) Rule 3.7 as amended by S.S.I. 2022/81.
 - (b) Rule 5.6 was amended by S.S.I. 2016/315.
 - (c) Rule 7.2 was amended by S.S.I. 2018/191.
 - (d) Rule 7.5 was amended by S.S.I. 2016/315.
 - (e) Part 9 was amended by S.S.I. 2016/315.

- (1) This Part is about applications which the parties may make to the court to ask for things to be done in a case (additional orders to those mentioned in Part 8).

9.2 How do you ask for orders to be made?

- (1) A party may apply for an order by:
 - (a) asking the sheriff to make an order in person at a case management discussion or hearing, or
 - (b) completing an Additional Orders Application and sending it to the court (see rule 9.3).

9.3 How do you complete an Additional Orders Application?

- (1) A party may apply for an order by sending the other party an Additional Orders Application unless it is not possible to send it to the other party.
- (2) That party must, at the same time, send the court a copy of the Additional Orders Application with evidence that it was sent to the other party (for example, a postal receipt or copy of an email) or, if it is not possible to send it to the other party, with an explanation of why it is not possible to send it to the other party.
- (3) The Additional Orders Application must set out:
 - (a) the order the party wants the sheriff to make, and
 - (b) why the party thinks the sheriff should make the orders.

9.4 How do you object to an Additional Orders Application?

- (1) If the party who has been sent the Additional Orders Application objects to the order requested, that party must do two things:
 - (a) set out the objection in the Additional Orders Application, and
 - (b) send the Additional Orders Application to the court and the other party within 10 days of the Additional Orders Application being sent.

9.5 What will the court do with an Additional Orders Application?

- (1) The sheriff will consider the Additional Orders Application and any objection to it.
- (2) The sheriff may:
 - (a) grant the Additional Orders Application, or part of it, and give written orders to the parties,
 - (b) refuse the Additional Orders Application, and make no orders, or
 - (c) order the parties to appear at a discussion in court, where the sheriff will consider whether to make any orders.

Pausing cases

9.6 What happens if a case is paused?

- (1) If a case is paused, then any discussions or hearings in the case are cancelled and the case will not progress until it is restarted.

9.7 What can the court do with a paused case?

- (1) The sheriff clerk must present to the sheriff a case which has been paused for 6 months or more.
- (2) The sheriff may then formally serve on the parties written orders which provide that unless a party does something or takes a step, then the sheriff may dismiss the claim.
- (3) An order made under paragraph (2) must be formally served by the sheriff clerk on the party given the order unless the sheriff directs otherwise.
- (4) If that party does not do the thing or take the step ordered, the sheriff may make a decision in the case, including—
 - (a) dismissing the claim or part of the claim,
 - (b) awarding the claimant some or all of what was asked for in the claim form.

Miscellaneous applications

9.8 How can a person become an additional respondent in a case?

- (1) A person who is not a respondent may apply to become a respondent in a case by sending an Additional Orders Application to the court and all parties (see rule 9.3).
- (2) The Additional Orders Application must set out why that person has an interest in becoming a respondent.
- (3) The Additional Orders Application must have attached to it a draft Response Form.
- (4) The sheriff may grant the application without a discussion in court, but must order a discussion if considering refusing the application.
- (5) If ordering a discussion in court, the sheriff must also order the person wishing to become a respondent to formally serve a copy of the notice of the discussion on all of the parties.
- (6) If granting the application, the sheriff must give orders allowing the additional respondent to participate in the case as a respondent.
- (7) The sheriff clerk may formally serve the copy of the notice of the discussion if the person wishing to become a respondent is:
 - (a) not a company, limited liability partnership or partnership, and
 - (b) is not legally represented.

9.9 What can happen if a party dies or becomes legally incapacitated?

- (1) If a party dies or becomes legally incapacitated before a sheriff decides a case, then a person who asserts a right to represent that party or that party's estate may apply to represent that party by sending an Additional Orders Application to the court (see rule 9.3).
 - (2) The Additional Orders Application must set out why that person should be allowed to represent that party or that party's estate.”;
- (p) for rule 10.2(3), substitute—
- “(3) The parties must at the same time as sending each other and the court a List of Evidence Form—
- (a) lodge the documents and other evidence with the court, and
 - (b) send copies of the documents and, if possible, other evidence to the other parties.”;
- (q) in rule 10.6—
- (i) in paragraph (2)—
 - (aa) for “a Recovery of Documents Application” substitute “an Additional Orders Application”;
 - (bb) after “the other party” insert “(see Part 9)”;
 - (ii) for paragraph (3), substitute—

“(3) That Additional Orders Application must set out—

 - (a) the documents the party would like to recover,
 - (b) who has the documents, and
 - (c) why the court should make the order to recover the documents.”;
 - (iii) in paragraph (4)—
 - (aa) for “Recovery of Documents Application” substitute “Additional Orders Application”;
 - (bb) omit “do one of 4 things”;
- (r) in rule 10.8—
- (i) for “Application to Open Confidential Document”, where it occurs, substitute “Additional Orders Application (see Part 9)”;
 - (ii) in paragraph (5), omit “do one of three things,”;
- (s) in rule 10.9(a)—
- (i) in paragraph (1)—
 - (aa) for “a Special Recovery of Documents Application” substitute “an Additional Orders Application”; and
 - (bb) at the end add “(see Part 9)”;
 - (ii) omit paragraphs (2) and (3);
- (t) in rule 10.11—
- (i) for “Application to Open Confidential Document”, where it occurs, substitute “Additional Orders Application (see Part 9)”;
 - (ii) in paragraph (5), omit “do one of three things”;
- (u) in rule 11.7(3), omit “do one of 5 things”;
- (v) in rule 13.3(4), omit “before it is sent to a party”;

(a) Rules 10.9 and 10.11 were amended by S.S.I. 2016/315.

- (w) after rule 13.3(4), insert—
 - “(5) The party in possession of a Decision Form which is to be corrected must return that original Decision Form to the court before the corrected Decision Form is sent to that party.
 - (6) The Decision Form must be sent to all parties to the action.”;
 - (x) for rule 13.5(1)(a), substitute—
 - “(1) A party may apply to have a decision of the sheriff recalled where the sheriff either dismissed a claim in that party’s absence or made a decision in that party’s absence.”;
 - (y) in rule 14.4(4), for “may” substitute “must”;
 - (z) in rule 15.5(b)—
 - (i) in paragraph (4), omit “do one of three things”;
 - (ii) after paragraph (4), insert—
 - “(5) A copy of the alternative Decision Form is to be sent to all parties.”;
 - (aa) after rule 16.4(4), insert—
 - “(4A) The President of the Sheriff Appeal Court may vary the period mentioned in paragraph (4).”;
 - (bb) in rules 17.9(3), 17.10(4) and 17.12(3), omit “do one of three things”;
 - (cc) in rule 18.2(c)—
 - (i) for paragraph (1), substitute—
 - “(1) When these Rules require a document to be formally served, the first attempt must be by—
 - (a) a next-day postal service which records delivery, or
 - (b) email, if the person to be formally served with a document has indicated a willingness to accept service by email.”;
 - (ii) after paragraph (1), insert—
 - “(1A) Willingness to accept email service of a document may be expressed specifically to the claimant or generally (for example on a website).”;
 - (iii) in paragraph (2)(c), before “the sheriff clerk” insert “in respect of next-day postal service which records delivery only.”;
 - (iv) in paragraph (3)—
 - (aa) for “The” substitute “An”;
 - (bb) after “**RETURNED**” insert “**IMMEDIATELY**”;
 - (v) for paragraph (4), substitute—
 - “(4) After formally serving a document, a Confirmation of Formal Service must be completed and any evidence of sending or, in the case of email, proof of receipt attached to it (for example, a postal receipt or a copy of an email acknowledgement).
 - (4A) Where service is by email, the period of notice runs from the beginning of the day after the date of email service.”;
 - (dd) in rules 19.3(7), 19.4(11), 19.5(11) and 19.7(9), after “**RETURNED**” insert “**IMMEDIATELY**”;
 - (ee) in rule 20.3(3), omit “do one of 3 things”;
 - (ff) in rule 20.6, for “Incidental Orders Application”, where it occurs, substitute “Additional Orders Application (see Part 9)”.
- (3) In Schedule 2 (forms)—

(a) Rule 13.5(1) was substituted by S.S.I. 2018/191.
 (b) Rule 15.5 was amended by S.S.I. 2016/315.
 (c) Rule 18.2 was amended by S.S.I. 2016/315.

- (a) for Form 3A(a), substitute the Form 3A in schedule 1 of this Act of Sederunt;
 - (b) omit Form 3B(b);
 - (c) omit Form 3C(c);
 - (d) omit Form 3E;
 - (e) for Form 4A(d), substitute the Form 4A in schedule 2 of this Act of Sederunt;
 - (f) for Form 5B(e), substitute the Form 5B in schedule 3 of the Act of Sederunt;
 - (g) for Form 7A(f), substitute the Form 7A in schedule 4 of this Act of Sederunt;
 - (h) for Form 9A(g), substitute the Form 9A (Additional Orders Application) in schedule 5 of this Act of Sederunt;
 - (i) omit Forms 9B to 9G;
 - (j) for Form 10A, substitute the Form 10A in schedule 6 of this Act of Sederunt;
 - (k) omit Forms 10B to 10D(h);
 - (l) for Form 11A, substitute the Form 11A in schedule 7 of this Act of Sederunt;
 - (m) for Form 11B(i), substitute the Form 11B in schedule 8 of this Act of Sederunt;
 - (n) for Form 13A(j), substitute the Form 13A in schedule 9 of this Act of Sederunt;
- (4) In Schedule 3 (standard orders)(k)—
- (a) in standard order SO1—
 - (i) for “the parties must contact the court immediately” substitute “the claimant must send an Additional Orders Application to the court immediately telling the court what should happen next in the case (for example, to cancel the case management discussion and dismiss the case)”;
 - (ii) omit “before ordering a formal court hearing”;
 - (iii) for “the sheriff will give” substitute “the sheriff may give”;
 - (b) in standard order SO2, for “the parties must contact the court immediately” substitute “the claimant must send an Additional Orders Application to the court immediately telling the court what should happen next in the case (for example, to cancel the hearing and dismiss the case)”;
 - (c) for standard order SO3, substitute the standard order SO3 in schedule 10 of this Act of Sederunt;
 - (d) omit standard order SO4;
 - (e) in standard order SO6—
 - (i) after “**Possibility of dismissal**” insert “[**Possibility of orders sought being granted**]”;
 - (ii) after “warning.” insert “[The respondent is **warned** that unless these steps are taken the sheriff will **grant** some or all of the orders sought.]”;
 - (iii) omit “If the step[s] listed above are not taken then the sheriff **dismisses** the claim against the respondent.”;
 - (f) in standard order SO7—

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- (a) Form 3A was last amended by S.S.I. 2018/191.
 - (b) Form 3B was amended by S.S.I. 2017/154.
 - (c) Form 3C was amended by S.S.I. 2016/315.
 - (d) Form 4A was last amended by S.S.I. 2019/122.
 - (e) Form 5B was last amended by S.S.I. 2018/191.
 - (f) Form 7A was last amended by S.S.I. 2018/191.
 - (g) Forms 9A to 9E and 9G were amended by S.S.I. 2016/315.
 - (h) Forms 10B to 10D were amended by S.S.I. 2016/315.
 - (i) Form 11B was substituted by S.S.I. 2017/154.
 - (j) Form 13A was substituted by S.S.I. 2018/191.
 - (k) Schedule 3 was substituted by S.S.I. 2016/315 and last amended by S.S.I. 2018/191.

- (i) for “Part 8” substitute “Parts 8 and 9”;
- (ii) for “Application to Pause”, in both places it occurs, substitute “Additional Orders Application to pause the case”;
- (iii) for “Application to Restart Form to the court and to the other party” substitute “Additional Orders Application to the court and the other party asking for the case to be restarted”;
- (iv) after “all upcoming hearings”, in both places it occurs, insert “or discussions”;
- (g) in standard order SO8—
 - (i) after “Part 8” insert “and Part 9”;
 - (ii) for “Application to Restart”, in both places it occurs, substitute “Additional Orders Application to restart a paused case”;
- (h) in standard order SO9, for “Part 8” substitute “Parts 8 and 9”;
- (i) in standard order SO10—
 - (i) for “Part 8” substitute “Parts 8 and 9”;
 - (ii) for “a Recovery of Documents Application” substitute “an Additional Orders Application to recover documents”;
 - (iii) for “**Refusal of Recovery of Documents Application**” substitute “**Refusal of Additional Orders Application to recover documents**”;
- (j) after standard order SO13, insert standard order SO14 in schedule 11 of this Act of Sederunt.

Saving

3. The amendments made by paragraph 2 are of no effect in relation to proceedings commenced before the date on which this Act of Sederunt comes into force.

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
15th June 2022



FORM 3A

**The Simple Procedure
Claim Form**

Sheriff Court

Claimant

Respondent

Case reference number
(to be added by the court)

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **£5,000 or less**.

The Simple Procedure Rules should be read alongside this form. They can be found on the Scottish Courts and Tribunals Service website. Please **read the whole Claim Form** before beginning to complete it. There are guidance notes above each section of the form.

To make a claim, you must **complete this Claim Form** and send it to the sheriff court.

A. ABOUT THE CASE

A1. If your claim is successful, what orders would you like the court to make?

① You should select the option for the order(s) you would like the court to make if your claim is successful. If you are asking for the respondent to be ordered to deliver an item(s) to you or for the respondent to be ordered to do something for you, you must ask for an alternative order.

- I want the respondent to be ordered to pay me:
- I want the respondent to be ordered to deliver the following item(s) to me:
- I want the respondent to be ordered to do the following thing(s) for me:
- Alternatively, if the respondent does not deliver the items or do the thing ordered,
I want the respondent to be ordered to pay me:

- I also want the respondent to be ordered to pay me interest on that sum of money

At the rate of % annually from the last date of service.

- If my claim is successful, I would like the respondent to be ordered to pay expenses

B. ABOUT YOU

① You, the person making this simple procedure claim, are known as 'the claimant'.

① Set out information about you, so that the court knows who you are and how to contact you. You can print this page multiple times if there is more than one claimant.

B1. Are you an individual, a company or an organisation?

- An individual (including a sole trader) (please complete B2)
- A company or organisation (please complete B3)
-

B2. What is your full name?

Name

Middle name (if any)

Surname

Trading name or representative capacity (if any)

B3. What is the name of the company or organisation?

Name (including if limited company or LLP)

Company registration number (if limited company or LLP)

Trading name (if any)

B4. What are your contact details?

Address

City

Country

Postcode

Email address

B5. How would you prefer the court and the respondent to contact you?

-
- Online (i.e. via the civil online portal)
- By post
- By email

C. ABOUT YOUR REPRESENTATION

① If you are represented by a non-solicitor, please also complete a Lay Representation Form and send it to the court along with this Claim Form. You can print this page multiple times if there is more than one claimant.

C1. How will you be represented during this case?

-
- I will represent myself
- I will be represented by a solicitor
- I will be represented by a non-solicitor (e.g. a family member, friend, or someone from an advice or advocacy organisation)

C2. Who is your representative?

① If you will represent yourself, you do not need to complete the rest of this page.

① If a family member or friend, please give their full name. If someone from an advice or advocacy organisation, please also give the name of that organisation.

Name

Surname

Organisation/
Firm name

C3. What is your representative's address?

① If your representative works for a solicitors' firm or an advocacy organisation, please give the address of that firm or organisation.

Address

City

Postcode

Email address

C4. Would you like us to contact you through your representative?

① If you select 'yes', the court will send orders and information to your representative.

Yes

No

C5. How would your representative prefer the court to contact them?

Online (via the civil online portal)

By post

By email

D. ABOUT THE RESPONDENT(S)

① The person who you are making the claim against is called the respondent.

① In this part, you must fill in information about that person so that the court knows who they are and how to contact them.

① If there is more than one respondent, you can complete and print this page multiple times.

D1. Is the respondent an individual, a company or an organisation?

An individual (including a sole trader) (please complete D2)

A company or organisation (please complete D3)

D2. What is the respondent's full name?

Name

Middle name (if any)

Surname

Trading name (if any)	
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D3. What is the respondent's company name or organisation name?

Name	
Company registration number (if limited company or LLP)	
Trading name (if any)	

D4. What are the respondent's contact details?

If you do not know and cannot find out the respondent's contact details you can apply to the court for service of the claim by advertisement on the Scottish Courts and Tribunal website using Form 6B.

Address	
City	
Postcode	
Email address	

E. ABOUT YOUR CLAIM

E1. What is the background to your claim?

① In this section, you should briefly describe the essential facts about the story behind your claim. You do not need to set out every detail of the story. You should focus on the parts which are important for you to establish your claim.

① You should set out why you think your claim should be successful.

① You also should include:

- key dates,
- a breakdown to explain any sum of money you are claiming,
- if there was an agreement, what you and the respondent agreed to do,
- when you became aware of the problem or dispute,
- whether any payments have been made so far and, if so, what,
- whether any services have been provided so far and, if so, what,

- if there is more than one respondent, the relationship between respondents.

① If this is insufficient space to describe the background, you may use another sheet of paper, which must be headed 'E1' and must be attached to the Claim Form.

E2. Why does this court have jurisdiction to decide your claim?

- ① A sheriff may only make a decision where the sheriff has jurisdiction to do so.
- The events took place in the sheriff court's district
- The respondent lives in the sheriff court's district
- I had an agreement with the respondent to make any claim in this sheriff court
- Other (please give details)

E3. Does this claim relate to a consumer credit agreement?

- ① You should select 'Yes' if the claim is about an agreement between you and the respondent in which you provided the respondent with credit of any amount.
- Yes (please complete E4)
- No

E4. What are the details of the consumer credit agreement?

- ① Set out the following information:
 - the date of the agreement and its reference number,
 - the name and address of any person who acted as guarantor,
 - the details of the agreed repayment arrangements,
 - the unpaid balance or amount of arrears,
 - the date of any default notice or the latest payment under the agreement.

E5. What steps have you taken, if any, to try to settle the dispute with the respondent?

① It is an important principle of simple procedure that parties should be encouraged to settle their disputes by negotiation, where possible. You should set out any steps you have taken, if any, to try to settle the dispute with the respondent.

① The court will use this information to assess whether more negotiation would help you and the respondent settle your dispute.

F. WHAT HAPPENS NEXT?

1	Once you have completed this Claim Form, you should send it to the sheriff court. The court will check the Claim Form and, if there are no problems with it, the court will issue a timetable for the case. This will set out the last date for service.
2	The Claim Form must then be formally served on the respondent by the last date for service. If you are an individual (not a company or other organisation) who is not represented by a solicitor, the court can do this for you; otherwise you will have to arrange for this to be done by a solicitor or sheriff officer.

3	<p>The respondent must respond to the claim by the last date for a response.</p> <p>If the respondent does not respond to the claim, you may ask the sheriff to make a decision by completing an Application for a Decision and sending it to the court. You must do this within 14 days from the last date for a response.</p> <p>If the respondent responds by disputing the claim, the sheriff will consider the claim and response. The sheriff will send the parties first written orders.</p>
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F1. Would you like the court to formally serve this Claim Form on your behalf?

① The court cannot formally serve this Claim Form for you if you are a company or if you are represented by a solicitor. You will have to arrange formal service yourself.

① If this Claim Form has been completed on paper and you would like the court to formally serve it on your behalf, you should send two copies of it to the court.

Yes

No

PLEASE CHECK THIS FORM BEFORE SENDING IT.



FORM 4A

**The Simple Procedure
Response Form**

Sheriff Court

Claimant

Respondent

Case reference number
(to be added by the court)

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **£5,000 or less**.

A court claim has been raised against you under the Simple Procedure. You have been formally served with a Claim Form setting out the claim made against you.

You can respond to this claim online using Civil Online portal on the Scottish Courts and Tribunals Service website (www.scotcourts.gov.uk/taking-action/simple-procedure/civil-online).

You may need to take further steps to send a copy to the claimant – Please read Part 4 of the Simple Procedure Rules.

Please note that **if you do nothing**, the court will almost certainly, if appropriate, award the claim to the claimant and order you to make a payment, including interest and expenses.

What should you do next?

You should read the completed Claim Form carefully. It sets out the claim being made against you, including the identity of the claimant, what the claimant says happened and what the claimant would like from you if the claim is successful.

You should also read the Timetable. It sets out the last date for a response. This is the date by which you must: (a) send a Response Form to the court and claimant, or (b) if you want to admit the claim and ask for time to pay, send a Time to Pay Application to the court. Only an individual (not a company or another type of organisation) may ask for time to pay.

The Simple Procedure Rules should be read alongside this form. They can be found on the Scottish Courts and Tribunals Service website. Please **read the whole Response Form** before beginning to complete it. There are guidance notes for each part of the form.

What help is available?

If you need help to decide how to respond to the claim, how to complete this Response Form or help by representing you in court, you should contact a solicitor, the Citizens Advice Bureau or another advocacy or advice organisation.

A. ABOUT YOU

① In Simple Procedure, the person making the claim is known as the claimant. You, the person the claim is being made against, are known as the respondent.

① Set out information about you, so that the court knows who you are and how to contact you.

A1. Are you an individual, a company or an organisation?

- An individual (including a sole trader) (please complete A2)
- A company or organisation (please complete A3)

A2. What is your full name?

Name	<input type="text"/>
Middle name (if any)	<input type="text"/>
Surname	<input type="text"/>
Trading name or representative capacity (if any)	<input type="text"/>

A3. What is the name of the company or organisation?

Name	<input type="text"/>
Company registration number (if limited company or LLP)	<input type="text"/>
Trading name (if any)	<input type="text"/>

A4. What are your contact details?

Address	<input type="text"/>
City	<input type="text"/>
Postcode	<input type="text"/>
Email address	<input type="text"/>

A5. How would you prefer the court and the claimant to contact you?

- Online (i.e. via the civil online portal)
- By post
- By email

B. ABOUT YOUR REPRESENTATION

① Set out information about how you will be represented.

① If you are represented by a non-solicitor, please also complete a Lay Representation Form and send it to the court along with this Response Form.

B1. How will you be represented during this case?

- I will represent myself
- I will be represented by a solicitor
- I will be represented by a non-solicitor (e.g. a family member, friend, or someone from an advice or advocacy organisation)

B2. Who is your representative?

① If a family member or friend, give their full name. If someone from an advice or advocacy organisation, also give the name of that organisation.

Name

Surname

Organisation/
Firm name

B3. What are the contact details of your representative?

① If your representative works for a solicitors' firm or an advocacy organisation, please give the address of that firm or organisation.

Address

City

Postcode

Email address

B4. Would you like us to contact you through your representative?

① If you select 'yes', the court will send orders and information in this case to your representative.

- Yes
- No

B5. How would your representative prefer the court to contact them?

-
- Online (i.e. via the civil online portal)
- By post
- By email

C. YOUR RESPONSE TO THE CLAIM

① You should decide now how you intend to respond to this claim. There are three options.

① You should follow the instructions for the option you choose.

-
- C1. I want to admit the claim and settle it before the last date for a response.**

① You should select this option if you accept the claim against you is correct and you are able to settle it with the claimant. You do not need to complete Part D.

① You should send this Response Form to the court and to the claimant. You should settle the claim with the claimant by the last date for a response.

-
- C2. I want to dispute the claim or part of the claim.**

① You should select this option if you want to:

- argue that the court does not have jurisdiction, or
- dispute the claim or the amount that is being claimed.

① You should complete this Response Form and send it to the court and claimant by the last date for a response. The sheriff will send orders telling you how to proceed.

-
- C3. I want to admit the claim and seek time to pay the money.**

① You should complete a Time to Pay Application and send it to the court (See Part 5 of the Simple Procedure Rules).

D. ABOUT YOUR RESPONSE

D1. What is the background to this claim?

① In this part, you should set out the essential factual background to the claim. The claimant has set out their understanding in section E1 of the Claim Form.

① You should set out anything in section E1 of the Claim Form which you disagree with.

① For example, you should include:

- key dates,
- if there was an agreement, what was agreed,
- when you became aware of the problem or dispute,
- whether any payments have been made so far and, if so, what,
- whether any services have been provided so far and, if so, what,
- why the claim should not be successful.

① If this is insufficient space to describe the background, you may use another sheet of paper, which must be headed 'D1' and must be attached to the Response Form.

D2. What steps have you taken, if any, to try to settle the dispute with the claimant?

- ① It is an important principle of Simple Procedure that parties should be encouraged to settle their disputes by negotiation, where possible.
- ① The court will use this information to assess whether more negotiation would help you and the claimant settle your dispute.

D3. Are there any additional respondents you think should be responding to this claim?

- ① You should complete this section if you think that:
 - you have a right of contribution, relief or indemnity against someone who is already a respondent,
 - someone else should be made a respondent in this claim, as they are solely, jointly, or jointly and severally liable with you for the claim made against you,
 - someone else should be made a respondent in this claim as they are liable to you for the claim made against you.

① If you complete this section then the court may order you to formally serve the Claim Form and the Response Form on any additional respondents.

- Yes (please complete D4)
- No

D4. Which additional respondents do you think should be responding to this claim?

① Set out below the full names and addresses of any additional respondents you think should be responding to the claim made against you.

① Set out the reasons why each person should be an additional respondent to the claim.

1. [Name]

[Address]

[Reasons why this person should be an additional respondent]

2. [Name]

[Address]

[Reasons why this person should be an additional respondent]

[...]

D5. If you have indicated that there should be additional respondents, would you like the court to formally serve the Claim Form and Response Form on your behalf?

① The court cannot formally serve documents for you if you are a company or if you are represented by a solicitor. You will have to arrange formal service yourself.

Yes

No

E. WHAT SHOULD YOU DO NOW

1	Once you have completed this form, you should check the form.
2	If you are happy with what you have said in this form, send one copy to the sheriff court and one copy to the claimant by the last date for a response . You may also respond via the civil online portal but you may require to take additional steps to send a copy to the claimant – see Part 4 of the Simple Procedure Rules.
3	If you do this and dispute the claim, the sheriff will consider the claim and response. The sheriff will then send the parties first written orders in the case.

PLEASE CHECK THIS FORM BEFORE SENDING IT.



FORM 5B

The Simple Procedure Time to Pay Notice

Sheriff Court

Claimant

Respondent

Case reference number

Date of notice

The respondent has admitted the claim you made against them for the payment of a sum of money and applied to the court for time to pay the sum of money which you claimed.

A copy of the Time to Pay Application is attached.

You must send this Time to Pay Notice back to the court within 14 days of the date above or else the court will dismiss your claim.

A. ABOUT YOU

A1. What is your full name?

Name

Middle name (if any)

Surname

Trading name or representative capacity (if any)

B. YOUR RESPONSE

B1. How do you respond to the Time to Pay Application?

① Set out whether you are content or not for the court to give the respondent time to pay the sum of money in your claim. If you are not content, please explain why.

- I am **content** with the proposal for time to pay (please complete B2).
- I am **not content** with the proposal for time to pay (please complete B2 and B3).

B2. Is there anything you would like the sheriff to consider when deciding the case?

① Set out any additional information you would like the sheriff to consider when deciding this case (for example, any fees paid by you in making the claim).

B3. Why are you not content with the proposal?

① Set out the reason why you are not content with the respondent's proposal for time to pay (for example, it would take a really long time for the sum to be fully paid).



FORM 7A

The Simple Procedure Application for a Decision

Sheriff Court

Claimant

Respondent

Case reference number

This is an Application for a Decision. You can use this Application in two situations:

- to ask the court to make the orders which you asked for in your Claim Form if the respondent has not returned a Response Form or Time to Pay Application to the court by the last date for a response, or
- to ask the court to dismiss a claim or make a decision awarding you some or all of your claim if the claim has been settled before the last date for a response.

Before completing this form you should read rules 7.2 to 7.4 of the Simple Procedure Rules, which are about applying for a decision.

A. ABOUT YOU

A1. What is your full name?

Name

Middle name

Surname

Trading name or
representative capacity
(if any)

B. ABOUT THE APPLICATION

B1. What has happened which means you can apply for a decision?

- No Response Form or Time to Pay Application has been sent to the court by the last date for a response.

- The respondent has admitted the claim and indicated an intention to settle it by the last date for a response.

B2. What decision would you like the sheriff to make?

- I would like the sheriff to dismiss the claim.
- I would like the sheriff to make all of the orders I asked for in the Claim Form.
- I would like the sheriff to make the following orders:

B3. When was this application sent to the court?

① You must send this application within 14 days from the last date for a response.

① Set out the date on which the application was sent to the court (i.e. the date on which the application was submitted online or posted).



Form 9A

The Simple Procedure Additional Orders Application

Sheriff Court

Claimant

Respondent

Case reference number

This is an Additional Orders Application. You can use it to ask the sheriff to make orders in your case.

Before completing this form, you should read Part 9 of the Simple Procedure Rules, which is about asking for additional orders to be made (for example, to pause or restart the case).

If the court grants this application, it will make all or some of the orders which have been requested.

If you are making this application:

You must fill in Parts A and B of this application and send it to the court and the other party in your simple procedure case.

If you have been sent this application:

You must fill in Part C of this application ('the reply') and send a copy to the court and the other party within 10 days of it being sent to you.

A. ABOUT YOU

A1. What is your name?

Name

Surname

Trading name or representative capacity (if any)

A2. Which party in this case are you?

Claimant

Respondent

- Other (please give details of your interest in this case):

B. THE APPLICATION

① The party making the application must set out the orders they would like the court to make and why the sheriff should make it. You can ask for more than one order.

B1. What orders would you like the court to make?

- To change the Timetable (see Part 3 of the Simple Procedure Rules and please give proposed new dates in B2)
- To amend the Claim Form (please set out the amendments in B2)
- To amend the Response Form (please set out the amendments in B2)
- To pause the case (please set out why the progress of the case should be paused in B2)
- To restart a paused case (please set out what should happen next in B2)
- To recover documents (please set out the documents and who has them in B2)
- To make some other order (please give details of what you would like the court to do):

B2. To help the sheriff, please provide further information about the orders requested.

- ① The information you should provide will depend on the orders requested:
- if you are asking to change the Timetable, please set out the proposed new dates for the last date for service and/or the last date for a response,
 - if you are asking to amend a form, please clearly set out your amendments. It may be best to do this by attaching a tracked version of the text,
 - if you are asking to recover documents, you should give the details of the documents and the name and address of the person you think has them,

- if you are applying to restart a paused case, you should set out what you think should happen next (for example, a case management discussion),
- if the case has a prospect of being settled you should set out what you think should happen next (for example to adjourn the case management discussion and pause the case to allow settlement to take place).

B3. Why should the court make these orders?

① The party making the application must set out why the court should make the orders.

B4. Are you sending a copy of this application to the other party? (If the case has settled it is not necessary to send a copy of this application to the other party)

- Yes (Please set out the date on which the application was sent to the other party).
- No (Please explain why):

B5. When was this application sent to the court?

① Set out the date on which the application was sent to the court (i.e. the date on which the application was submitted online or posted).

① Any reply must be sent to the court within 10 days of this application being sent.

C. THE REPLY

① If you are making this application and have completed parts A and B do not fill in this part.

① Please note that if you do not send a reply to the court within 10 days of this application being sent, the court will almost certainly make the orders requested.

C1. What is your name?

Name

Surname

Trading name or
representative capacity
(if any)

C2. Should the court make these orders?

Yes

No

C3. If you answered 'no', why should the court not make these orders?

① If you object to the orders, you should set out why the court should not make them.



FORM 10A

**The Simple Procedure
List of Evidence Form**

Description (e.g. First List
of Evidence by the
claimant)

This is the List of Evidence Form. Before completing this form, you should read Part 10 of the Simple Procedure Rules, which is about documents and other evidence.

Parties must send a copy to each other and to the court at least 14 days before the hearing.

At the same time, all documents and other evidence must be lodged by sending them to the sheriff clerk. All documents and other evidence must also be sent to the other party.

If you think that there will be practical difficulties involved with sending evidence to the court (e.g. because of size, or because something might go off) you must contact the sheriff clerk before sending that evidence to be lodged.

A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

Trading name or
representative capacity
(if any)

B2. Which party in this case are you?

- Claimant
- Respondent

C. LIST OF EVIDENCE

① Set out all evidence or other documents you are lodging with the court.

① Set out a brief description of each item of evidence and explain its relationship to the case. This means the reason why you think this item of evidence is necessary for the court to make a decision in this case.

① It is useful to the court if documents and other evidence being lodged can be numbered using the numbers (1, 2, etc) below. If you are the claimant please add the letter "C" before the number and if you are the respondent please add the letter "R" before the number. If bigger documents do not already have page numbers, then adding page numbers can help the court read and understand these documents.

① If you think that you need more than 10 items of evidence, please fill out a further List of Evidence Form and attach it to this one.

1. Item of evidence

Brief description of document or other evidence

Relationship to the case

2. Item of evidence

Brief description of document or other evidence

Relationship to the case

3. Item of evidence

Brief description of document or other evidence

Relationship to the case

4. Item of evidence

Brief description of document or other evidence

Relationship to the case

5. Item of evidence

Brief description of document or other evidence

Relationship to the case

6. Item of evidence

Brief description of document or other evidence

Relationship to the case

7. Item of evidence

Brief description of document or other evidence

Relationship to the case

8. Item of evidence

Brief description of document or other evidence

Relationship to the case

9. Item of evidence

Brief description of document or other evidence

Relationship to the case

10. Item of evidence

Brief description of document or other evidence

Relationship to the case



FORM 11A
The Simple Procedure
List of Witnesses
Form

Description (e.g. First List of Witnesses by the claimant)

This is a List of Witnesses Form. Before completing this form, you should read Part 11 of the Simple Procedure Rules, which is about witnesses.

Parties must send a copy to each other and to the court at least 14 days before the hearing.

A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

B. ABOUT YOU

B1. What is your full name?

Name

Middle name

Surname

Trading name or representative capacity (if any)

B2. Which party in this case are you?

Claimant

Respondent

C. LIST OF WITNESSES

- ① Set out any witnesses you want to appear at the hearing. You do not need to list yourself or the other party.
 - ① You may need to cite witnesses using the *Witness Citation Form*, but you should only cite a witness if you cannot otherwise arrange for that witness to appear at court.
 - ① Set out the name and address of each witness and explain their relationship to the case. This means the reason why you think this witness's evidence is necessary for the court to make a decision in this case.
 - ① If you think that you need more than 6 witnesses, please fill out a further *List of Witnesses Form* and attach it to this one.
-

1. Witness

Name of witness

Address of the witness

Relationship of the witness to the case

2. Witness

Name of witness

Address of the witness

Relationship of the witness to the case

3. Witness

Name of witness

Address of the witness

Relationship of the witness to the case

4. Witness

Name of witness

Address of the witness

Relationship of the witness to the case

5. Witness

Name of witness

Address of the witness

Relationship of the witness to the case

6. Witness

Name of witness

Address of the witness

Relationship of the witness to
the case



FORM 11B
The Simple Procedure
Witness Citation
Notice

A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

You have been cited as a witness in a case in the sheriff court. The details of the case and the date on which you should come to court are below, at Part C.

It is very important that you attend court and you should note that failure to do so may result in a warrant being granted for your arrest.

You may claim back money which you have had to spend and any earnings you have lost within certain specified limits, because you have to come to court. These may be paid to you if you claim within specified time limits. Claims should be made to the person who has asked you to attend court. Proof of any loss of earnings should be given to that person.

If you wish your travelling expenses to be paid before you go to court, you should apply for payment to the person who has asked you to attend court (listed below at D1).

If you:

- would like to know more about being a witness,
- are a child under the age of 18,
- think you may be a vulnerable witness within the meaning of section 11(1) of the Vulnerable Witnesses (Scotland) Act 2004 (that is someone the court considers may be less able to give their evidence due to mental disorder or fear or distress connected to giving your evidence at the court hearing),

1. You should contact the person who cited you (listed below at D1) for further information.
2. If you are a vulnerable witness (including a child under the age of 18) then you should be able to use a special measure (such measures include use of a screen, a live TV link or a supporter, or a commissioner) to help you give evidence.

B. ABOUT THE WITNESS

B1. Who is the witness?

Name

Middle name

Surname

Address

Postcode

C. WHEN AND WHERE YOU MUST COME TO COURT

① The witness must come to the court listed below on the date and time listed below.

The Sheriff Court you must come to is:

Address

Postcode

You must come to the Sheriff Court on:

D. ABOUT THIS CITATION

① This part contains information about the party who has cited you as a witness.

D1. Who is citing you as a witness?

① If the person who cited you is represented by a solicitor, they should list the solicitor's details here. If they do not, they should list their own details.

Name

Address

Firm or organisation

Email

D2. Which party is citing you as a witness?

-
- Claimant
- Respondent

D3. Who formally served this Witness Citation Notice?

Name	<input type="text"/>
Address	<input type="text"/>
Firm or organisation	<input type="text"/>
Solicitor or sheriff officer	<input type="text"/>
Signature	<input type="text"/>
Date of formal service	<input type="text"/>



FORM 13A

**The Simple Procedure
Decision Form**

This is the Decision Form. It sets out the decision the sheriff has made at the end of the case. Part 13 of the Simple Procedure Rules is about the decision of the sheriff.

This Decision Form can be used to enforce the decision made by the sheriff. Part 15 of the Simple Procedure Rules is about how to enforce this decision.

THIS EXTRACT DECREE IS WARRANT FOR ALL LAWFUL EXECUTION THEREON.

Execution of this decree is not lawful:

- within 28 days from the date the decision was sent (except if the sheriff orders otherwise),
- where the decision is being appealed,
- where the decision has been recalled.

A. ABOUT THE CASE

Sheriff Court	
Claimant	
Address	
City	
Postcode	
Respondent	
Address	
City	
Postcode	
Case reference number	

B. THE DECISION
① This part sets out the orders which the sheriff has made when deciding the case.
C. THE SHERIFF'S REASONS
① If the sheriff makes a decision and explains the reasons for that decision to the parties in person, the sheriff does not need to set out the reasons again in this part.
① If the sheriff takes time to consider the decision, the sheriff must prepare a note of the reasons for the decision. That note may be set out in this part or, where more space is needed, the sheriff may set out the note using a separate piece of paper.

D. EXPENSES	
① This part sets out any orders the sheriff has made about the expenses of the case.	
E. SIGNATURE	
Signed By	
Date sent	



S03

The Simple Procedure Order of the Sheriff

Response Form received: Decision
without a hearing

This is an Order of the sheriff in a case which you are a party in. You should **read it** and **follow it**.

You should also read Parts 8 and 9 of the Simple Procedure Rules which are about orders of the sheriff.

Sheriff Court

Date of Order

Claimant

Respondent

Case reference number

The respondent has indicated to the court that this claim will be disputed.

The sheriff has considered the Claim Form and the Response Form and has **given the following orders**:-

Settlement and negotiation

The claimant and the respondent are **encouraged** to contact each other to seek to settle the case or to narrow the issues in dispute, **before** the hearing date. If the case is settled before the date on which the sheriff intends to make a decision then the parties must contact the court immediately.

A decision without a hearing

The sheriff considers that the dispute between the parties is capable of being resolved without a hearing. Unless the parties object, the sheriff will make this decision on [date].

Opportunity to object

The parties are being given an opportunity to object to this dispute being resolved without a hearing.

The parties are **ordered** to write to the sheriff by [date] stating whether they are content for a decision to be made without a hearing. If the parties are not content for a decision to be made without a hearing, they must set out the reasons why a hearing will be necessary to resolve this dispute.

Parties should be aware that failing to write to the sheriff may result in the sheriff deciding to resolve this dispute without a hearing.

Clarification

The claimant is **ordered** to write to the court and to the respondent at least **14 days** before the decision date to clarify these issues:

1. [list]

The respondent is **ordered** to write to the court and to the claimant at least 14 days before the decision date to clarify these issues:

1. [list]

Notes of argument

The parties are **ordered** to send the court notes of argument at least 14 days before [date]. These notes should set out any legal points which they wish to make to the sheriff and should comment on any aspect of the evidence which they wish the sheriff to consider.

Documents and other evidence

Documents and other evidence may be lodged by sending copies to the sheriff clerk.

The claimant is **ordered** to lodge the following documents or other evidence at least 14 days before the decision date, as the sheriff considers them necessary to support their claim:

1. [list]

The respondent is **ordered** to lodge the following documents or other evidence at least 14 days before the decision date, as the sheriff considers them necessary to support their response.

The parties should be aware that the sheriff may make a decision in this case on [date] even if they do not follow the orders above.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]
--



S014

The Simple Procedure Order of the Sheriff

Case with additional respondent(s) under
rule 7.5(3): procedure and timetable

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **less than £5,000**.

This is an order of the sheriff in a case which you are party in. You should **read it** and **follow it**.

Sheriff Court

Date of Order

Claimant

Respondent

Case reference number

The sheriff has considered the Claim Form and the Response Form (in which the respondent has requested that an additional respondent be added to the case) and has **given the following orders:-**

Service on the additional respondent

The **Claim Form and Response Form are to be served on the additional respondent** within 3 weeks of today's date.

Response from additional respondent

The additional respondent is to **respond within 3 weeks** from the date on which the Claim Form and Response Form are served.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Act of Sederunt (Simple Procedure) 2016 (“the 2016 Rules”).

Paragraph 2(2) makes various changes to Schedule 1 (Simple Procedure Rules) of the 2016 Rules in order to streamline the rules.

Paragraph 2(3) omits or substitutes various forms in Schedule 2 (Forms) of the 2016 Rules.

Paragraph 2(4) omits or substitutes various forms in Schedule 3 (Standard Orders) of the 2016 Rules. It also adds a new form SO14 to Schedule 3.

Paragraph 3 is a saving provision, the effect of which is that certain amendments do not apply to a simple procedure case commenced before 28th November 2022.

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