

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Act of Sederunt (Rules of the Court of Session Amendment No. 4) (Miscellaneous) 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE

Paragraph 2(38)

Commencement Information

II Sch. in force at 23.9.1996, see [para. 1\(1\)](#)

FORM 34A.2 Form of minute of offer to settle

Rule 34A.2(2)(a)

IN THE COURT OF SESSION

MINUTE

of

OFFER TO SETTLE

for the Pursuer

in the cause

[A.B.] *(address)*

Pursuer

against

[C.D.] *(address)*

Defender

[E.F.] for the pursuer stated and hereby states to the court, without prejudice to, and under reservation of, his whole rights and pleas, under rule 34A.2 of the Rules of the Court of Session 1994 that the pursuer offered and hereby offers to settle the action by accepting the sum of *(sum in words and figures)* Sterling exclusive of interest *[or inclusive of interest to this date (or as the case may be)]* with the taxed expenses of process to this date in full of the conclusions of the summons.

IN RESPECT WHEREOF

*(Date)*

FORM 34A.4 Form of minute of withdrawal of offer to settle

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Rule 34A.4(1)

**IN THE COURT OF SESSION**

**MINUTE OF WITHDRAWAL**

of

**OFFER TO SETTLE**

for the Pursuer

in the cause

[A.B.] (*address*)

Pursuer

against

[C.D.] (*address*)

Defender

[E.F.] for the pursuer stated and hereby states to the court that the pursuer withdrew and hereby withdraws the offer to the defender contained in the minute of offer to settle, No. \_\_\_\_\_ of Process, as of this date.

IN RESPECT WHEREOF

(*Date*)

**FORM 34A.5 Form of minute of acceptance of offer to settle**

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Rule 34A.5(1)

IN THE COURT OF SESSION

MINUTE OF ACCEPTANCE

of

OFFER TO SETTLE

for the Defender

in the cause

[A.B.] (*address*)

Pursuer

against

[C.D.] (*address*)

Defender

---

[B.F.] for the defender stated and hereby states to the court that the defender accepted and hereby accepts the offer to settle contained in the pursuer's minute of offer to settle, No.        of Process, in full of the conclusions of the summons.

IN RESPECT WHEREOF

(*Date*)

Form 35.3-A Form of order of court and certificate in optional procedure for recovery of documents

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Rule 35.3(2)

**ORDER BY THE COURT OF SESSION**

In the Cause (Cause Reference No. )

[A.B.] *(designation and address)*

Pursuer [or Petitioner]

against

[C.D.] *(designation and address)*

Defender [or Respondent]

Date: *(date of posting or other method of service)*

To: *(name and address of party or parties or named third party haver, from whom the documents are sought to be recovered)*

1. You are hereby required to produce to the agent for the Pursuer *[or as the case may be]*, *(name and address of agent)* **within seven days** of the date of service on you of this Order -
  - (a) this Order which must be produced intact;
  - (b) the certificate below duly dated and signed by you; and
  - (c) all documents in your possession falling within the enclosed specification and a list or inventory of such documents signed by you relating to this Order and your certificate.

2. Subject to note (1) below, you may produce these documents either by sending them by registered post or by the first class recorded delivery service or registered postal packet, or by hand to the address above.

*(Signature, name and business address of the agent for the party in whose favour commission and diligence has been granted)*

**NOTES**

- (1) If you claim that any of the documents produced by you are **confidential**, you must still produce such documents but may place them in a separate sealed packet by themselves, marked "confidential". In that event they should NOT be sent to the address above, they must be delivered or sent by post as above provided to the **Deputy Principal Clerk of Session, 2 Parliament Square, Edinburgh, EH1 1RQ**.
- (2) The documents will be considered by the parties to the action and they may or may not be lodged in the court process. A written receipt will be given or sent to you by the party recovering the documents, who may thereafter allow them to be inspected by the other parties. The party in whose possession the documents are will be responsible for their safekeeping.
- (3) Parties are obliged by rules of court to return the documents to you when their purpose with the documents is finished. If they do not do so, you will be entitled to apply to the court, under rule 35.3(9) of the Rules of the Court of Session 1994, for an order to have this done and you may apply for an award of the expenses incurred in doing so. Further information about this can be obtained from the **General Department, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ** (Tel. 0131-225 2595).

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### Certificate

*(Date)*

I hereby certify with reference to the above order of the Court of Session in the cause (*cause reference number*) and the enclosed specification of documents, served on me and marked respectively X and Y:-

- (1) That the documents which are produced and which are listed in the enclosed inventory signed by me and marked Z, are all the documents in my possession falling within the specification,

*or*

That I have no documents in my possession falling within the specification.

- (2) That, to the best of my knowledge and belief, there are in existence other documents falling within the specification, but not in my possession. These documents are as follows: (*describe them by reference to the descriptions of documents in the specification*). They were last seen by me on or about *(date)*, at *(place)*, in the hands of *(name and address of the person)*.

*or*

That I know of the existence of no documents in the possession of any person, other than myself, which fall within the specification.

*(Signed)*

*(Name and address)*

**Form 35.3-B Form of intimation to Deputy Principal Clerk of Session and other parties of documents recovered under optional procedure**

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Rule 35.3(4)(a)

In the Cause (Cause Reference No. )

[A.B.] (*designation and address*)

Pursuer [*or* Petitioner]

against

[C.D.] (*designation and address*)

Defender [*or* Respondent]

The undernoted document[s] was [were] recovered from (*name, and address of haver*) on (*date of receipt*) under order of the court dated (*date of interlocutor authorising commission and diligence*) in so far as it relates to the specification of documents No. of Process.

Document[s] received:- (*identify each*).

(*Signature, name and business address of the agent for the party in whose favour commission and diligence has been granted*)

Date:

Form 35.3-C Form of receipt to haver for documents recovered under optional procedure

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Rule 35.3(4)(b)

In the Cause (Cause Reference No. )

[A.B.] (*designation and address*)

Pursuer [or Petitioner]

against

[C.D.] (*designation and address*)

Defender [or Respondent]

The document[s] noted below, being recovered by order of the Court of Session dated (*date of interlocutor authorising commission and diligence*) in so far as it relates to the specification of documents No.        of Process, have been recovered from (*name and address of haver*).

Document[s] received:- (*identify each*).

(*Signature, name and business address of the agent for the party in whose favour commission and diligence has been granted*)

Date:

**Form 35.3-D Form of receipt from party other than party who originally recovered documents under optional procedure**

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Rule 35.3(6)(b)

In the Cause (Cause Reference No. )

[A.B.] (designation and address)

Pursuer (or Petitioner)

against

[C.D.] (designation and address)

Defender (or Respondent)

I acknowledge receipt of the undernoted document[s] received from you and recovered under order of the Court of Session dated (date of interlocutor authorising commission and diligence).

Documents received:- (identify each).

(Signature, name and business address of the agent for the party receiving documents)

Date:

**Form 35.3A-A Form of order of court and certificate in optional procedure for recovery of documents – party litigant cases**



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Rule 35.3A(3)

**ORDER BY THE COURT OF SESSION**

In the Cause (Cause Reference No. )

[A.B.] (*designation and address*)

Pursuer [*or* Petitioner]

against

[C.D.] (*designation and address*)

Defender [*or* Respondent]

Date: (*date of posting or other method of service*)

To: (*name and address of party or parties or named third party haver, from whom the documents are sought to be recovered*)

You are hereby required to produce to the Deputy Principal Clerk of Session, 2 Parliament Square, Edinburgh EH11 1RQ **within seven days** of the date of service on you of this Order -

- (a) this Order which must be produced intact;
- (b) the certificate below duly dated and signed by you; and
- (c) all documents in your possession falling within the enclosed specification and a list or inventory of such documents signed by you relating to this Order and your certificate.

You may produce these documents either by lodging them at the Office of the Court of Session at the address below or by sending them by registered post or by the first class recorded delivery service or registered postal packet, addressed to the Deputy Principal Clerk of Session, 2 Parliament Square, Edinburgh, EH11 1RQ.

*(Signature, name and business address  
of the agent for the party in whose  
favour commission and diligence has  
been granted)*

**NOTES**

1. If you claim that any of the documents produced by you are **confidential**, you must still produce such documents but may place them in a separate sealed packet by themselves, marked "confidential".
2. The documents will be considered by the parties to the action and they may or may not be lodged in the court process. If they are not so lodged they will be returned to you by the Deputy Principal Clerk. The party in whose possession the documents are will be responsible for their safekeeping.
3. Parties are obliged by rules of court to return the documents to you when their purpose with the documents is finished. If they do not do so, you will be entitled to apply to the court under rule 35.3A(1) of the Rules of the Court of Session 1994 for an order to have this done and you may apply for an award of the expenses incurred in doing so. Further information about this can be obtained from the General Department, Court of Session, 2 Parliament Square, Edinburgh EH11 1RQ (Tel. 0131-225 2595).

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**Certificate**

(Date)

I hereby certify with reference to the above order of the Court of Session in the cause (*cause reference number*) and the enclosed specification of documents, served on me and marked respectively X and Y:-

(1) That the documents which are produced and which are listed in the enclosed inventory signed by me and marked Z, are all the documents in my possession falling within the specification.

or

That I have no documents in my possession falling within the specification.

(2) That, to the best of my knowledge and belief, there are in existence other documents falling within the specification, but not in my possession. These documents are as follows: (*describe them by reference to the descriptions of documents in the specification*). They were last seen by me on or about (*date*), at (*place*), in the hands of (*name and address of the person*).

or

That I know of the existence of no documents in the possession of any person, other than myself, which fall within the specification.

(Signed)

(Name and address)

**FORM 45A.2 Form of citation of unnamed occupiers**

Rule 45A.2(2)

IN THE COURT OF SESSION

in the cause

[A.B.] (*designation and address*)

Pursuer

against

The occupier[s] of (*address*)

Defender[s]

An action has been brought in the Court of Session, Edinburgh, by [A.B.], pursuer. [A.B.] calls as a defender the occupier[s] of the property at (*address*). If the occupier[s] [*or any of them*] wish[es] to challenge the jurisdiction of the court or to defend the action, he [*or she*] [*or it*] [*or they*] should contact the Deputy Principal Clerk of Session, Court of Session, Parliament Square, Edinburgh EH1 1RQ (Telephone 0131-225 2595) immediately and in any event by (*date on which period of notice expires*).

(Signed)

Solicitor [*or Agent*] for pursuer  
(Address)

**FORM 62.65 Form of notice of registration of decision under a relevant instrument**

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Rule 62.65

**REGISTRATION OF A DECISION (or as the case may be) UNDER THE**  
*(specify the relevant instrument)*

Date: *(date of posting or other method of service)*

To: *(name and address of person on whom service executed)*

**TAKE NOTICE**

That on *(date)* [Lord *(name)* in] the Court of Session, Edinburgh granted warrant for the registration of *(identify decision to be registered)* on the application of *(name and address of petitioner)*.

The above award was registered in the Books of Council and Session on *(date)* for execution (i.e. enforcement). An application will be made to the Keeper of the Registers of Scotland for an extract of the registered award with warrant for execution.

*(Signed)*

Solicitor [or Agent] for petitioner  
*(Address)*

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**Changes and effects yet to be applied to :**

- Sch. coming into force by [S.I. 1996/2168 para. 1\(1\)](#)
- Regulations revoked by [S.I. 2023/805 reg. 10](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- para. 1 coming into force by [S.I. 1996/2168 para. 1\(1\)](#)
- para. 2 coming into force by [S.I. 1996/2168 para. 1\(1\)](#)