

SCHEDULE 1

SUMMARY CAUSE RULES 2002

CHAPTER 29

Action of count, reckoning and payment

Response to summons

29.1. If a defender wishes to admit liability to account in an action for count, reckoning and payment, this must be stated on the form of response.

Accounting hearing

29.2.—(1) This rule applies where in an action of count, reckoning and payment—

- (a) no form of response has been lodged;
- (b) the defender has indicated on the form of response that he admits liability to account; or
- (c) any defence stated has been repelled.

(2) Where paragraph 1(a) or (b) applies, the pursuer must lodge with the sheriff clerk a minute in Form 17 before close of business on the second day before the calling date.

(3) If the pursuer does not lodge a minute in accordance with paragraph (2), the sheriff must dismiss the action.

(4) Where the pursuer has lodged a minute in accordance with paragraph (2), or any defence stated has been repelled, the sheriff shall pronounce an order—

- (a) for the lodging of accounts within 14 days and objections within such further period as the sheriff may direct;
- (b) fixing a date, time and place for an accounting hearing; and
- (c) regulating the nature and scope of the accounting hearing and the procedure to be followed.

(5) The sheriff may require that evidence be led at an accounting hearing fixed under paragraph (4) to prove the accounts and in support of any objection taken.

(6) The sheriff clerk must intimate to all claimants the date, time and place of any hearing fixed under paragraph (4).