

SCHEDULE 1

SMALL CLAIM RULES 2002

CHAPTER 6

Service and return of the summons

Service within Scotland by sheriff officer

6.4.—(1) A sheriff officer may validly serve any summons, decree, charge or other document following upon such summons or decree issued in a claim by—

- (a) personal service; or
- (b) leaving it in the hands of—
 - (i) an inmate at the person's dwelling place; or
 - (ii) an employee at the person's place of business.

(2) If a sheriff officer has been unsuccessful in effecting service in accordance with paragraph (1), he may, after making diligent inquiries, serve the document—

- (a) by depositing it in the person's dwelling place or place of business by means of a letter box or by other lawful means; or
- (b) by affixing it to the door of the person's dwelling place or place of business.

(3) If service is effected in accordance with paragraph (2), the sheriff officer must thereafter send by ordinary post to the address at which he thinks it most likely that the person may be found a letter containing a copy of the document.

(4) In proceedings in or following on a claim, it shall be necessary for any sheriff officer to be accompanied by a witness except where service, citation or intimation is to be made by post.

(5) Where the firm which employs the sheriff officer has in its possession—

- (a) the document or a copy of it certified as correct by the pursuer's solicitor or the sheriff clerk, the sheriff officer may serve the document upon the defender without having the document or certified copy in his possession (in which case he shall if required to do so by the person on whom service is executed and within a reasonable time of being so required, show the document or certified copy to the person); or
- (b) a certified copy of the interlocutor pronounced allowing service of the document, the sheriff officer may serve the document without having in his possession the certified copy interlocutor if he has in his possession a facsimile copy of the certified copy interlocutor (which he shall show, if required, to the person on whom service is executed).

(6) If the pursuer requires the sheriff clerk to effect service of the summons on his behalf by virtue of section 36A of the 1971 Act, the sheriff clerk may instruct a sheriff officer to effect service in accordance with this rule on payment to the sheriff clerk by the pursuer of the fee prescribed by order of the Scottish Ministers.