

SCHEDULE

Paragraph 3(6)

Form G11

Rule 28.3(2)

Form of notice in optional procedure for commission and diligence

Court ref. no: *(insert court reference number)*

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

in the cause

[A.B.], *(insert name and address)*, Pursuer

against

[C.D.], *(insert name and address)*, Defender

To: *(insert 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]*, *(insert name and address of agents)* within seven days of the 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, or by hand to the address above.

Date: *(insert date on which service was executed. N.B. Rule 5.3(2) relating to postal service or intimation.)* (Signed)

Solicitor for party *(add designation and business address of the solicitor for the party in whose favour commission and diligence has been granted)*

Status: This is the original version (as it was originally made).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

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 hand delivered or sent by registered post or by the first class recorded delivery service or registered postal packet to the sheriff clerk at (*insert name and address of sheriff court*).
2. The document 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 28.3(9) of the Ordinary Cause Rules, 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 sheriff clerk's office at (*insert name and address of sheriff court*).

Certificate

I hereby certify with reference to the above order of the sheriff at (*insert name of sheriff court*) in the cause (*insert court 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 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 (*insert 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.

(*Insert date*)

(*Signed*)

(*Name and address*)

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Form G11A

Rule 28.3(4)(a)

Form of intimation to the sheriff clerk and other parties of documents recovered under optional procedure

Court ref. no: *(insert court reference number)*

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

in the cause

[A.B.], *(insert name and address)*, Pursuer

against

[C.D.], *(insert name and address)*, Defender

The undernoted document[s] was [were] recovered from *(insert name and address of haver)* on *(insert date of receipt)* under order of the sheriff at *(insert name of sheriff court)* dated *(insert 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 document)*.

Date:

(Signed)

Solicitor for party *(add designation and business address of the solicitor for the party in whose favour commission and diligence has been granted)*

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

Form G11B

Rule 28.3(4)(b)

Form of receipt to haver for documents recovered under optional procedure

Court ref. no: *(insert court reference number)*

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

in the cause

[A.B.], *(insert name and address)*, Pursuer

against

[C.D.], *(insert name and address)*, Defender

The document[s] noted below, being recovered by order of the sheriff at *(insert name of sheriff court)* dated *(insert 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 *(insert name and address of haver)*.

Document[s] received:— *(identify each document)*

Date:

(Signed)

Solicitor for party *(add designation and business address of the solicitor for the party in whose favour commission and diligence has been granted)*

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Form G11C

Rule 28.3(6)(b)

Form of receipt from party other than party who originally recovered documents under optional procedure

Court ref. no: *(insert court reference number)*

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

in the cause

[A.B.], *(insert name and address)*, Pursuer

against

[C.D.], *(insert name and address)*, Defender

I acknowledge receipt of the undernoted document[s] received from you and recovered under order of the sheriff at *(insert name of sheriff court)* dated *(insert date of interlocutor authorising commission and diligence)*.

Document[s] received:— *(identify each document)*

Date:

(Signed)

Solicitor for party *(add designation and business address of the solicitor for the party receiving documents)*

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

Form G11D

Rule 28.3A(2)

Form of notice in optional procedure for commission and diligence in party litigant cases

Court ref. no: *(insert court reference number)*

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

in the cause

[A.B.], *(insert name and address)*, Pursuer

against

[C.D.], *(insert name and address)*, Defender

To: *(insert 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 sheriff clerk at *(insert name and address of sheriff court)* 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. You may produce these documents either by lodging them at the sheriff clerk's office at *(insert name and address of sheriff court)* or by sending them by registered post or by the first class recorded delivery service, addressed to the sheriff clerk at *(insert name and address of sheriff court)*.

Date: *(insert date on which service was executed. N.B. Rule 5.3(2) relating to postal service or intimation.)* (Signature, name and address of party in whose favour commission and diligence has been granted)

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

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 sheriff 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 28.3A(10) of the Ordinary Cause Rules, 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 sheriff clerk's office at *(insert name and address of sheriff court)*.

Certificate

I hereby certify with reference to the above order of the sheriff at *(insert name of sheriff court)* in the cause *(insert court 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 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 *(insert 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.

(Insert date)

(Signed)

(Name and address)