

SCHEDULE 1

Paragraph 5(4)



FORM 35

Debt Arrangement and Attachment Application

This is a Debt Arrangement and Attachment Application.

It is used to ask the sheriff to make certain orders relating to interim diligence in a simple procedure case.

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. THE APPLICATION

C1. What is the background to this application?

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- ① The party making the application must set out the essential facts relevant to the orders the court is being asked to make.

C2. What orders would you like the court to make?

- ① The party making the application must set out the terms of the orders the court is being asked to make.

C3. Why should the court make these orders?

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

C4. When was this application sent to the court?

- ① Set out the date on which the application was sent to the court .

SCHEDULE 2

Paragraph 7(4)(c)



FORM 4A
**The Simple Procedure
Response Form**

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 claim has been raised against you under the Simple Procedure. You have been provided with a copy of the Claim Form which sets out the claim made against you.

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.

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.

Case Reference Number

A. ABOUT YOU

 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 fill out A2)
- A company or organisation (please fill out A3)

A2. What is your full name?

Name	<input type="text"/>
Middle name	<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 type	<input type="text"/>

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Company registration number (if limited company or LLP)

Trading name (if any)

A4. What are your contact details?

Address

City

Postcode

Email address

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

By post

Email

B. ABOUT YOUR REPRESENTATION

① Set out information about how you will be represented.

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 advice or advocacy organisation, give the address of that firm or organisation.

Address

City

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Postcode

Email address

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

① If you select 'yes', then 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?

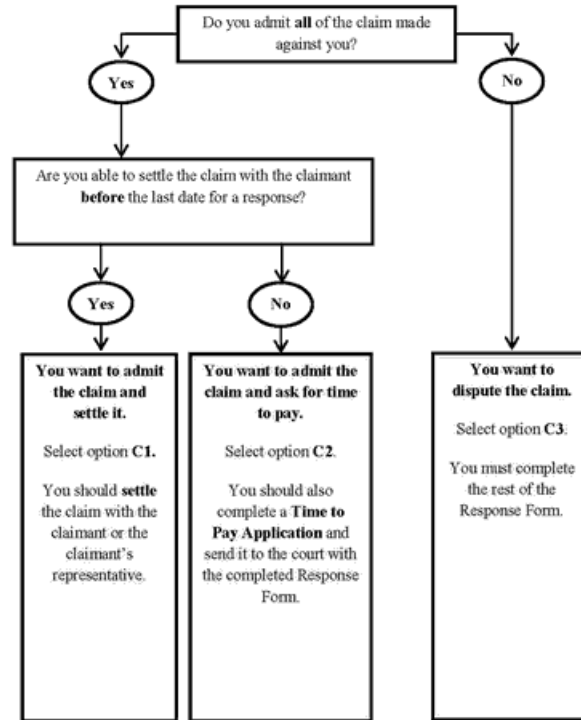
By post

Email

C. YOUR RESPONSE TO THE CLAIM

① You should decide now how you intend to respond to this claim. There are three options. Please mark the box next to the option you choose and follow those instructions.

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- 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 that the claim against you is correct and you are able to settle it with the claimant now.
 - ① You do not need to complete Parts D and E.
 - ① You should send this Response Form to the court and to the claimant. You should settle the claim with the claimant or the claimant's representative by the last date for a response.
- C2. I want to admit the claim and apply for time to pay.**
 - ① You should select this option if you accept that the claim against you is correct but you want to be given time to make a payment, or time to make payments in instalments.
 - ① You do not need to complete Parts D and E.
 - ① You should also complete a Time to Pay Application and send it with this completed Response Form to the court and to the claimant by the last date for a response.

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C3. I want to dispute the claim.

- ① You should select this option if you do not accept that the claim against you is correct, and you want to:
 - argue that the court does not have jurisdiction,
 - dispute the entire claim, or
 - dispute the amount that is being claimed.
- ① You should complete this Response Form and send it to the court and to the claimant by the last date for a response. You will be sent written orders by the court telling you how to proceed.

D. ABOUT YOUR RESPONSE

D1. What is the background to this claim?

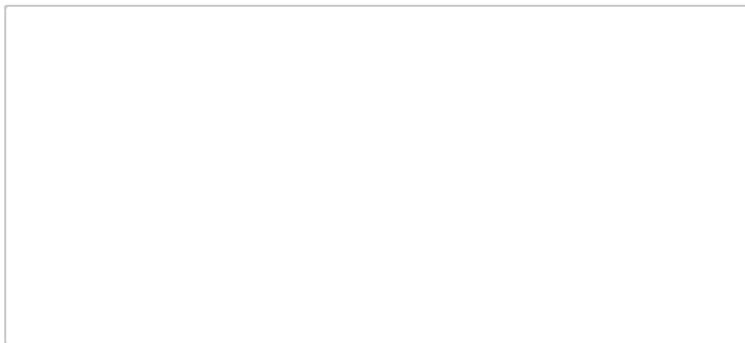
- ① In this part, you should set out the essential factual background to the claim. The claimant has set out their understanding in section D1 of the Claim Form. In particular, you should set out anything in section D1 of the Claim Form which you disagree with.
- ① For example, you should include:
 - 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.
- ① If this is insufficient space to describe the essential factual background, you may use another sheet of paper, which must be headed 'D1' and must be attached to the Response Form.

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D2. Why should the claim not be successful?

- ① You should set out briefly the reasons why the claim made against you should not be successful, and the court should not make the orders which the claimant has asked for in section D3 of the Claim Form.
- ① For example, reasons might include:
 - that you did not breach a contract with the claimant (e.g. work was completed satisfactorily)
 - that you did not cause the claimant damage or financial loss
 - that you have the right to keep something belonging to the claimant (e.g. because a repair has not been paid for).
- ① If this is insufficient space to set out these reasons, you may use another sheet of paper, which must be headed 'D2' and must be attached to the Response Form.



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

- ① You should complete this section if you think that:

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- 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 made against you.

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. 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.

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E. WITNESSES, DOCUMENTS AND EVIDENCE

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E1. Set out in a numbered list any witnesses you might bring to a hearing to support your response, their name and address, and what their relationship to the claim or response is.

- ① You should list any witnesses you think you might bring to a hearing. You do not need to list yourself or the claimant.
- ① You should provide the full name and address of any witnesses.
- ① Your claim may require no witnesses other than you and the claimant. You do not need to bring a witness if the evidence which they might give can be shown in some other way, e.g. by photographs.
- ① You should describe the relationship of each witness to the claim or response. For example, you might indicate that a witness:
 - was the person with whom you made an agreement,
 - was present when the alleged damage took place,
 - inspected some work which you consider to have been completed satisfactorily.
- ① If the court orders a hearing, Part 11 of the Simple Procedure Rules tells you what you need to do to arrange the attendance of your witnesses.

1. [Name] [Address] [Relationship to the claim or response]
2. [Name] [Address] [Relationship to the claim or response]
3. [Name] [Address] [Relationship to the claim or response]
[...]

E2. Set out in a numbered list any documents you might bring to court to support your response.

- ① You should list any documents you think you might bring to a hearing. This includes photographs and other printed material which may be kept in a file.
- ① When preparing these documents for a hearing, it is useful if they are indexed with numbers.
- ① If the court orders a hearing, Part 10 of the Simple Procedure Rules tells you what you need to do to lodge documents before that hearing.

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1.
2.
3.
4.
5.
[...]

E3. Set out any other pieces of evidence you intend to bring to a hearing to support your response.

- ① You should list any other evidence you think you might bring to a hearing.
- ① This includes objects, but not printed material. For example, if the claim was about damage caused to an item of clothing, you might list the item of clothing. You do not need to bring a piece of evidence if the important point can be shown in some other way, e.g. by photographs.
- ① If the court orders a hearing, Part 10 of the Simple Procedure Rules tells you what you need to do to lodge other evidence before that hearing.

1.
2.
3.
4.
5.
[...]

PLEASE CHECK THIS FORM BEFORE SENDING IT.

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SCHEDULE 3

Paragraph 7(4)(f)



FORM 6B

The Simple Procedure Service by Advertisement Application

This is a Service by Advertisement Application. You should complete this application if, after taking all reasonable steps to find out the respondent's address, you do not know what the respondent's address is.


If you complete this application and send it to court with the Claim Form, then the court may order the details of the claim to be publicised by advertisement on the Scottish Courts and Tribunals Service website.

Before completing this form, you should read rule 6.12 of the Simple Procedure Rules, which is about service by advertisement.

A. ABOUT THE CASE

Sheriff Court	<input type="text"/>
Claimant	<input type="text"/>
Respondent	<input type="text"/>
Case reference number	<input type="text"/>

B. ABOUT YOU

 Fill in information about you, so that the court knows who you are and how to contact you.

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

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

B2. What is your full name?

Name	<input type="text"/>
Middle name	<input type="text"/>
Surname	<input type="text"/>

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Trading name or
representative capacity (if
any)

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

Name

Company type

Company registration
number (if limited company
or LLP)

Trading name (if any)

B4. What are your contact details?

Address

City

Postcode

Email address

C. SERVICE BY ADVERTISEMENT

C1. What steps have you taken to find out the respondent's address?

① The court will only grant this application if you have taken all reasonable steps to find out the respondent's address.

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SCHEDULE 4

Paragraph 7(5)



SO1

The Simple Procedure Order of the Sheriff

Response Form received: ordering a case management discussion

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 Part 8 of the Simple Procedure Rules, which is 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 case management discussion. If the case is settled before the case management discussion date then the parties must contact the court immediately.

Case management discussion

The sheriff would like to discuss this case with **both parties** before ordering a formal court hearing. Both parties are therefore **ordered** to attend a case management discussion in the sheriff court.

The purpose of a case management discussion is to allow the sheriff to discuss the claim and response with both parties and to clarify any concerns which the sheriff has. At the case

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management discussion, the sheriff will also discuss with both parties their attitudes to negotiation and alternative dispute resolution.

At the case management discussion, the sheriff will give both parties orders in person arranging a hearing at which the case will be considered and their dispute resolved. The sheriff may make a decision at a case management discussion.

Clarification

The claimant is ordered to write to the court and to the respondent at least 14 days before the date of the case management conference 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 date of the case management conference to clarify these issues:

1. [list]

Documents and other evidence

The claimant is ordered to bring the following documents or other evidence to the case management discussion:

1. [list]

The respondent is ordered to bring the following documents or other evidence to the case management discussion:

1. [list]

Date

Both parties are ordered to attend a case management discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At the case management discussion, the sheriff expects both parties to be prepared to discuss the case and to have an open and constructive attitude to the possibility of negotiation or alternative dispute resolution.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SO2

The Simple Procedure Order of the Sheriff

Response Form received: ordering 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 Part 8 of the Simple Procedure Rules, which is 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 hearing date then the parties must contact the court immediately.

Documents and other evidence

The sheriff has considered the evidence and other documents which the claimant thinks would support the claim.

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

1. [list]

The claimant is **ordered** not to lodge the following documents or other evidence, as the sheriff considers them unnecessary to support the claim:

1. [list]

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The sheriff has considered the evidence and other documents which the respondent thinks would support the response.

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

1. [list]

The respondent is ordered not to lodge the following documents or other evidence, as the sheriff considers them unnecessary to support the response:

1. [list]

Both parties are ordered to bring two copies of every document that is lodged to the hearing.

Clarification

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

1. [list]

Hearing Date

Both parties are ordered to attend a hearing at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this hearing, the sheriff will expect both parties to be prepared to argue their case in full. Both parties should be aware that the sheriff may make a decision in their case even if they are not fully prepared to argue their case.

The case may be decided or dismissed in the absence of a party, if that party fails to attend the hearing.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SC3

The Simple Procedure Order of the Sheriff

Response Form received: considering making a 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 Part 8 of the Simple Procedure Rules, which is 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. 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. This is because the dispute appears only to involve a question of law [or because the dispute appears capable of being resolved based only on consideration of the documents and other evidence listed in the Claim Form and Response Form]. If the dispute is resolved without a hearing then the sheriff will give parties an opportunity to write to the court setting out their arguments in the case in advance of making a decision.

Opportunity to object

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

Both 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 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.

Next steps

The sheriff will issue further written orders within 14 days of [date]. These written orders will state whether the sheriff has decided to resolve this dispute without a hearing.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SO4

The Simple Procedure Order of the Sheriff

Response Form received: making a 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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Case reference number:	<input type="text"/>

The sheriff sent the parties written orders stating that the sheriff was considering making a decision in this case without a hearing.

The sheriff has considered the responses received [or no responses were received] 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. If the case is settled before the date on which the sheriff intends to make a decision (below) then the parties must contact the court immediately.

A decision without a hearing

The sheriff has decided to make a decision in this case without a hearing.

The sheriff will make this decision on [date].

Clarification

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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

Parties are ordered to send the court notes of argument at least 14 days before the decision 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:

1. [list]

Both 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]

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SO5

The Simple Procedure Order of the Sheriff

Transferring a case between courts

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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Case reference number:	<input type="text"/>

The sheriff has considered this simple procedure case and has **given the following orders:-**

Transfer to a different sheriff court

[The sheriff considers that this claim ought to have been raised in a different sheriff court.]

The case is **ordered** to be transferred to *[name of sheriff court]*.

What happens next

You will be contacted by the sheriff clerk at *[name of sheriff court]* with the next orders in this case.

Signed by: Sheriff of *[sheriffdom]* at *[sheriff court]*

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SO6

The Simple Procedure Order of the Sheriff

Unless order

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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Case reference number:	<input type="text"/>

Order

The sheriff orders [the claimant / the respondent] to take the following step[s] by [date]:

1. [list].

Possibility of dismissal

The sheriff considers that taking the steps listed above is necessary for the progress of this case. The claimant is **warned** that unless these steps are taken, this case will be **dismissed** without further warning.

If the step[s] listed above are not taken then the sheriff **dismisses** the claim against the respondent.

Signed by:	<input type="text"/> Sheriff of [sheriffdom] at [sheriff court]
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S07

The Simple Procedure Order of the Sheriff

Application to Pause

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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Case reference number:	<input type="text"/>

The court has received an Application to Pause.

The sheriff has considered the Application and has **given the following orders**—

[The order below can be used where the sheriff has decided to grant the application, without a discussion in court.]

Pausing Order

The sheriff **orders** the progress of this case to be paused.

This means that all upcoming hearings in this case have been cancelled. No procedural steps may be taken in this case until the case has been restarted. Either party can ask for this to happen by sending an Application to Restart Form to the court and to the other party.

Both parties should be aware that after six months, the sheriff clerk may write to you directing that a particular step should be taken. If this is not done, the claim may be dismissed.

[The order below can be used where the sheriff has decided to refuse the application, without a discussion in court.]

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Refusing a Pausing Order

The sheriff has not ordered the progress of this case to be paused.

This means that all upcoming hearings in this case are still to go ahead. Parties may continue to progress this case.

[The order below can be used where the sheriff has decided that a discussion in court is necessary to decide the application.]

Discussion in court

The sheriff wants to hear from both parties before deciding whether to pause the progress of this case.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether the progress of the case should be paused. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SO8

The Simple Procedure Order of the Sheriff

Application to Restart

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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Case reference number:	<input type="text"/>

The court has received an Application to Restart.

The sheriff has considered the Application and has **given the following orders**:-

[The order below can be used where the sheriff has decided to grant the application, without a discussion in court.]

Restarting Order

The sheriff **orders** the progress of this case to be restarted.

Both parties are **ordered** to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

[The order below can be used where the sheriff has decided to refuse the application, without a discussion in court.]

Refusing a Restarting Order

The sheriff **has not** ordered the progress of this case to be restarted.

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This means that the progress of the case continues to be paused. There are no upcoming hearings or discussions arranged in this case.

[The order below can be used where the sheriff has decided that a discussion in court is necessary to decide the application.]

Discussion in court

The sheriff wants to hear from both parties before deciding whether to restart the progress of this case.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether the progress of the case should be restarted. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SO9

The Simple Procedure Order of the Sheriff

Paused case – unless order

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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:

Date of order:

Claimant:

Respondent:

Case reference number:

The sheriff clerk has presented this case to the sheriff because it has been paused for over 6 months.

The sheriff has considered the case and has **given the following orders**:-

Possibility of dismissal

This case has now been paused for over 6 months. Both parties are **warned** that the sheriff will dismiss this claim unless the following steps are taken:

[Both parties / the claimant / the respondent] must write to the sheriff to explain what they would like to happen to this case. If they would like the case to continue to be paused, they must explain why.

[or

The sheriff wants to hear from both parties before deciding what the next steps in this case should be.

Both parties are **ordered** to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building. At this discussion, the sheriff will expect both parties to be prepared to discuss the progress of the case.]

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Signed by:

Sheriff of [sheriffdom] at [sheriff court]

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SO10

The Simple Procedure Order of the Sheriff

Order to recover documents

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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:

Address:

Date of order:

Claimant:

Respondent:

Case reference number:

The court has received a Recovery of Documents Application.

The sheriff has considered the Application and has **given the following orders:-**

Order to recover documents

[This order can be used where the sheriff has decided to grant the application (in whole or in part) without a discussion in court]

The sheriff **orders** the person mentioned in column 2 of the table below to send the document mentioned in column 1 to the court within [number of days] after this order is formally served.

Column 1	Column 2
Description of document	Name of person who has the document

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The sheriff also orders that person to fill in part A of this order ('the reply') and return it to the court within [number of days] after this order is formally served.

Refusal of Recovery of Documents Application

[This order can be used where the sheriff has decided to refuse the application without a discussion in court]

The sheriff refuses to make an order to recover documents.

Discussion in court

[This order can be used where the sheriff has decided that a discussion in court is necessary to decide the application]

The sheriff wants to hear from both parties before deciding whether to make an order to recover documents.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether an order to recover documents should be made. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]
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THE REPLY

[for use only where the sheriff makes an order to recover documents]

A. ABOUT YOU

A1. What is your full name?

Name	<input type="text"/>
Middle name	<input type="text"/>
Surname	<input type="text"/>
Trading name or	<input type="text"/>

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representative capacity (if any)

B. DECLARATIONS

B1. How have you complied with the order to recover documents?

① Tick the box next to the appropriate declaration.

- I enclose the following documents. [list documents enclosed with the reply]
They are all the documents in my possession which fall within the description above.

- I have no documents in my possession which fall within the description above.

B2. Do you have any additional information about the order to recover documents?

① Tick the box next to the appropriate declaration.

- I believe that there are other documents which fall within the description above but they are not in my possession. I have the following information about them: [set out the documents, the date on which you last saw them and the details of the person who you believe possesses them]

- I have no additional information about documents which fall within the description above.

B3. Do you believe that any of the documents that you possess are confidential?

① If your answer is yes, you must still send the document to the court. You should:

- put it in an envelope and seal it
- mark "CONFIDENTIAL" on the front of the envelope

① If the party who obtained the order to recover documents wants to open the envelope, the party has to make an application to the court first. You will be told about any application and you can explain to the sheriff why you think the document is confidential before the sheriff decides whether to grant the application.

- Yes
- No

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SO11

The Simple Procedure Order of the Sheriff

Special order to recover documents

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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:

Address:

Date of order:

Claimant:

Respondent:

Case reference number:

The court has received a Special Recovery of Documents Application.

The sheriff has considered the Application and has **given the following orders:-**

Special order to recover documents

[This order can be used where the sheriff has decided to grant the application (in whole or in part) without a discussion in court]

The sheriff **grants commission** to [name], solicitor, [address] ('the commissioner') to recover the documents mentioned in column 1 from the person mentioned in column 2.

Column 1	Column 2
Description of document	Name of person who has the document

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The sheriff also appoints the commissioner to send a report to the court, together with any documents recovered, as soon as possible.

Refusal of Special Recovery of Documents Application

[This order can be used where the sheriff has decided to refuse the application without a discussion in court]

The sheriff refuses to make a special order to recover documents.

Discussion in court

[This order can be used where the sheriff has decided that a discussion in court is necessary to decide the application]

The sheriff wants to hear from both parties before deciding whether to make a special order to recover documents.

Both parties are ordered to attend a discussion at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether a special order to recover documents should be made. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]
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SO12

The Simple Procedure Order of the Sheriff

Ordering an expenses 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 Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:	<input type="text"/>
Date of order:	<input type="text"/>
Claimant:	<input type="text"/>
Respondent:	<input type="text"/>
Case reference number:	<input type="text"/>

The sheriff has decided the case and is going to make an order about expenses. The sheriff has **given the following orders**:-

Account of expenses

The sheriff orders the [claimant / respondent] to send an account of expenses to the court and to the other party by [date 4 weeks before the expenses hearing].

Assessment of expenses

The sheriff orders the sheriff clerk to assess that account of expenses and send both parties a notice of that assessment by [date 2 weeks before the expenses hearing].

Expenses hearing

The sheriff orders both parties to attend an expenses hearing at [sheriff court] on [date] at [time]. Both parties should arrive in good time at the sheriff court building. If either party does not intend to challenge the assessment of expenses made by the sheriff clerk, they should contact the sheriff clerk by [date before the expenses hearing].

A failure to attend the expenses hearing will be considered an acceptance of the expenses as assessed by the sheriff clerk.

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Signed by:

Sheriff of [sheriffdom] at [sheriff court]
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