



FORM 10D

The Simple Procedure Special Recovery of Documents Application

If you are applying for the sheriff to make orders:

This is a Special Recovery of Documents Application.

You can use this Application to ask the court for a special order to recover documents. The court will only grant the Application if it has already made an order to recover documents but that has been unsuccessful.

The special order appoints someone to recover the documents on behalf of the court. The person appointed is normally a solicitor.

If you have been sent this Application:

This is a Special Recovery of Documents Application.

If the court grants this application then it will make the orders which have been asked for below.

You must fill in part D of this application ('the reply') and return it to court within 10 days of it being sent to you.

The court will then either grant the application and send a special order to recover documents to the parties, refuse the application and make no orders, or order you to appear at a discussion in court where the sheriff will consider whether to make an order.

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

ⓘ If you are the party replying to this application, do not fill in this part. You should fill in part D.

C1. When did the court make an order to recover documents?

ⓘ Set out the date of the court's order.

C2. When did you serve the order to recover documents on the person who possesses the documents?

ⓘ Set out the date of formal service on that person.

C3. Why was the order to recover documents unsuccessful?

ⓘ Tick the appropriate box.

- The person who possesses the documents did not reply to the order.
- The person who possesses the documents sent some documents to the court, but these are not all of the documents I want to recover.

- I am not satisfied with the explanation given by the person who possesses the documents for not producing them to the court. These are my reasons:

C4. Who do you want the court to appoint as the commissioner?

- ① The commissioner is the person appointed by the court to carry out the recovery under a special order to recover documents.
- ① The commissioner is usually a solicitor, but the court may appoint any suitable person.
- ① The court may decide not to appoint the person you propose, and appoint someone else instead.

Name

Middle name

Surname

Profession

C5. When was this application sent to the court?

- ① Set out the date on which the application was sent to the court (i.e. the date on which the email was sent, or the date on which the application was posted).
- ① Any reply to this application must be sent to the court within 10 days of this application being sent.

D. THE REPLY

- ① If you are the party making this application, do not fill in this part. You should fill in parts A, B and C.

D1. What is your full name?

Name

Middle name

Surname

Trading name or
representative capacity (if
any)

D2. Should the court make a special order to recover these documents?

- Yes
- Yes, but I object to the appointment of the proposed commissioner
- No

D3. If you answered 'yes, but I object to the appointment of the proposed commissioner', why should the court not appoint that person as commissioner?

① If the party replying to the application objects to the proposed order, they should set out why the court should not appoint that person as commissioner.

D4. If you answered 'no', why should the court not make a special order to recover these documents?

① If the party replying to the application objects to the proposed order, they should set out why the court should not make a special order to recover these documents.