



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.

If you want to admit the claim against you and **apply for time to pay**, you do not need to complete this Response Form. Instead, you should **complete a Time to Pay Application** and send it to the court by the last date for a response. Only an individual (not a company or organisation) may ask for time to pay.

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

- ① 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

Middle name

Surname

Trading name or representative capacity (if any)

**A3. What is the name of the company or organisation?**

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Name

Company type

Company registration number (if limited company or LLP)

Trading name (if any)

**A4. What are your contact details?**

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Address

City

Postcode

Email address

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

- By post
- Online

**B. ABOUT YOUR REPRESENTATION**

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**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?**

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**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?

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- 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

Postcode

Email address

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

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- 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?

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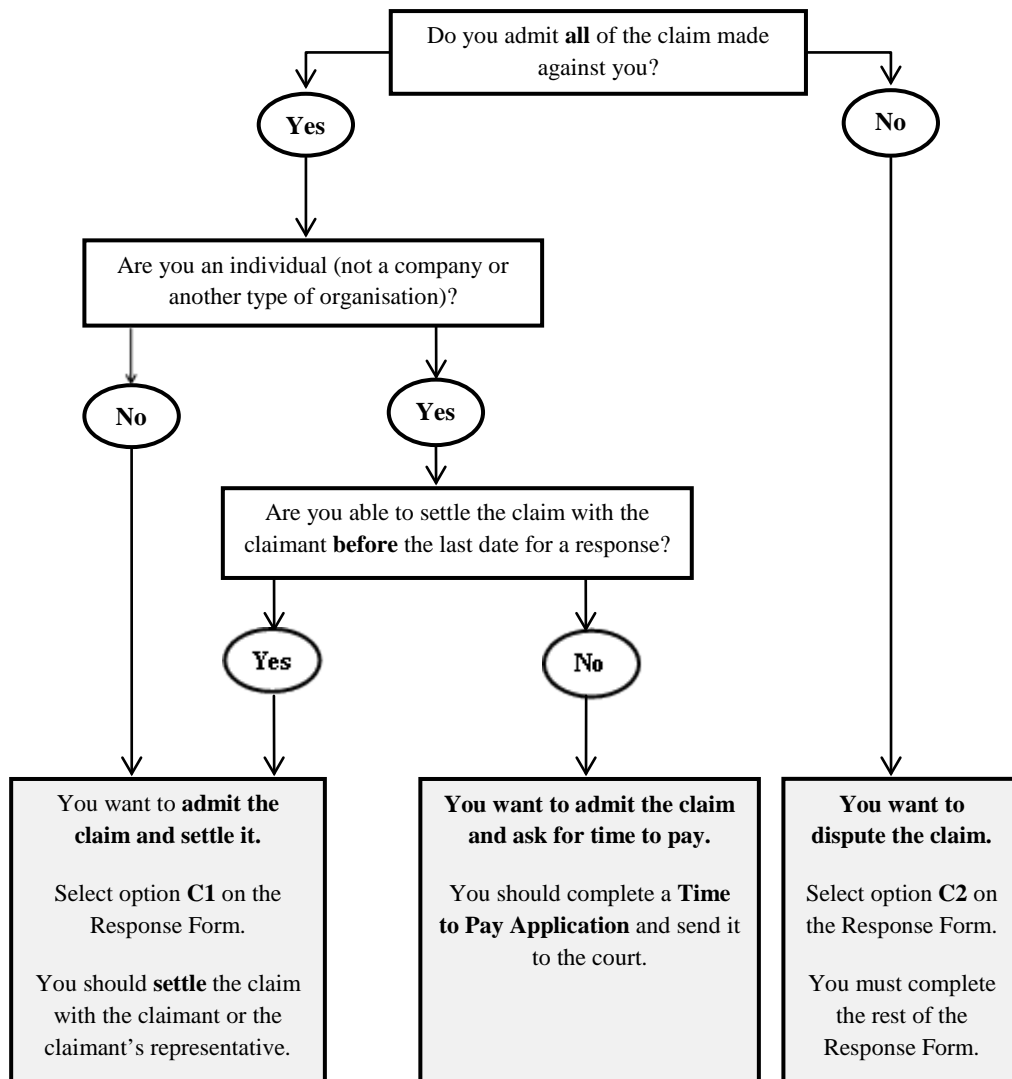
By post

Online

## C. YOUR RESPONSE TO THE CLAIM

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- ① You should decide now how you intend to respond to this claim. There are three options. The flow-chart sets out the options on how you might respond. You should follow the instructions for the option you choose.



- 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 **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**

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### **D1. What is the background to this claim?**

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- 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.

### **D2. Why should the claim not be successful?**

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- 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 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?**

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① You should complete this section if you think that:

- 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?**

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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.

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**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.

**E. WITNESSES, DOCUMENTS AND EVIDENCE**

**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.

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

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

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- 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.





**PLEASE CHECK THIS FORM BEFORE SENDING IT.**