

SCHEDULE 1

## The Simple Procedure Rules

### Part 2: Representation and support

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#### 2.1 What is this Part about?

- (1) This Part is about who may represent a party, and what that representative may and may not do.
- (2) This Part is also about who may provide support to a party in the courtroom, and what that courtroom supporter may and may not do.

#### *Representation*

#### 2.2 Who can be a representative?

- (1) A party may be represented by a legal representative or a lay representative.
- (2) A legal representative is a person who is an advocate, a solicitor, trainee solicitor or a person otherwise entitled to conduct proceedings in the sheriff court.

- (3) A lay representative is a person who is not a legal representative but is entitled to be a lay representative, either by these Rules or by other legislation.

### **2.3 What can a representative do?**

- (1) A representative may do anything involved in the preparation or conduct of a case that a party can do.

### **2.4 Who is entitled by these Rules to be a lay representative?**

- (1) If a party wants to be represented by a lay representative throughout a case, then that lay representative must complete a Lay Representation Form and send it to the court when the Claim Form, Response Form or Time to Pay Application is sent to court.
- (2) If a party wants to be represented by a lay representative during a particular discussion or hearing only, then the lay representative must complete a Lay Representation Form and give it to the sheriff clerk in person at court at that discussion or hearing.
- (3) The sheriff may at any time order a person to stop acting as a lay representative if the sheriff considers that person unsuitable.
- (4) For the purposes of considering suitability, the sheriff may take into account any interest that person has in the case and whether that person has been declared a vexatious litigant.
- (5) A person is unsuitable to act as a lay representative if their behaviour does not respect the principles of simple procedure.
- (6) A person may only act as a lay representative if that person agrees not to receive any remuneration from the party, whether directly or indirectly, for acting as a lay representative. This rule does not apply where the party is a company, limited liability partnership or partnership.

## *Support*

### **2.5 Who can be a courtroom supporter?**

- (1) A courtroom supporter is a person (for example, a family member, friend or colleague) who may accompany a party in court in order to provide quiet support, encouragement and advice during a hearing.

- (2) A party may ask the sheriff in court for permission for someone to be a courtroom supporter.
- (3) The sheriff may permit a person to act as a courtroom supporter only if that person agrees not to receive any remuneration from the party, whether directly or indirectly, for acting as a courtroom supporter.
- (4) If at any point the sheriff considers that a person is not suitable to act as a courtroom supporter, the sheriff may withdraw permission to act as a courtroom supporter.
- (5) A person is unsuitable to act as a courtroom supporter if their behaviour does not respect the principles of simple procedure.

## **2.6 What can a courtroom supporter do?**

- (1) A courtroom supporter may sit beside or behind the party in court.
- (2) A courtroom supporter may provide moral support to the party.
- (3) A courtroom supporter may help to manage the party's court documents and other papers.
- (4) A courtroom supporter may take notes in court.
- (5) A courtroom supporter may quietly advise the party on points of law and procedure, on issues the party might wish to raise with the sheriff or on questions the party might want to ask any witness.
- (6) A courtroom supporter may be given any document or information connected to the case.
- (7) However, if disclosure of that document or that information is prohibited or restricted in any way, then the courtroom supporter must respect that prohibition or restriction.