

SCHEDULE 1

## The Simple Procedure Rules

### Part 7: What happens to a case

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#### 7.1 What is this Part about?

- (1) This Part is about what happens after a Response Form has been received and what happens if no Response Form or Time to Pay Application is received by the last date for a response.

#### *Admitted claims*

#### 7.2 What if parties settle the claim before the last date for a response?

- (1) If the Response Form indicates that the respondent admits the claim and will settle it before the last date for a response, then the sheriff does not have to send written orders to the parties.

- (2) If the claimant then sends an Application for a Decision to the court within 2 weeks from the last date for a response, the sheriff may do one of three things:
  - (a) dismiss the claim,
  - (b) make a decision awarding the claimant some or all of what was asked for in the Claim Form,
  - (c) if the sheriff considers that a decision cannot be made awarding the claimant some or all of what was asked for in the Claim Form, order the claimant to come to court to discuss the terms of the decision.
- (3) The claimant must, at the same time, send the court evidence that the Claim Form was formally served on the respondent.
- (4) If the claimant does not send an Application for a Decision to the court within 2 weeks from the last date for a response, the sheriff must dismiss the claim.

### **7.3 What if the respondent makes a Time to Pay Application?**

- (1) If the respondent admits the claim and asks for time to pay, then the sheriff does not have to send written orders to the parties.
- (2) Part 5 of these Rules is about what happens when a Time to Pay Application is made.

### **7.4 What if no Response Form or Time to Pay Application is received by the court?**

- (1) If no Response Form or Time to Pay Application has been received by the court by the last date for a response, then the sheriff does not have to send written orders to the parties.
- (2) If the claimant sends an Application for a Decision to the court within 2 weeks from the last date for a response, then the sheriff may make a decision awarding the claimant some or all of what was asked for in the Claim Form.
- (3) If the sheriff considers that a decision cannot be made awarding the claimant some or all of what was asked for in the Claim Form, then the sheriff may order the claimant to come to court to discuss the terms of the decision.
- (4) If the claimant does not send an Application for a Decision to the court within 2 weeks from the last date for a response, then the sheriff must dismiss the claim.

## *Disputed claims*

### **7.5 What if the respondent disputes the claim?**

- (1) If the respondent disputes the claim, the sheriff must consider the case in private.
- (2) The sheriff must then send the parties the first written orders within 2 weeks from the date the court received the Response Form.
- (3) If the Response Form indicates that the respondent thinks that there should be additional respondents, then the sheriff does not have to send first written orders to the parties.
- (4) Instead, the sheriff may order that the Claim Form and Response Form should be formally served on those persons by the respondent before the sheriff issues the first written orders.

### **7.6 What will be in the first written orders?**

- (1) The first written orders may do any of 5 things:
  - (a) refer parties to alternative dispute resolution,
  - (b) arrange a case management discussion,
  - (c) arrange a hearing,
  - (d) if the sheriff thinks that a decision could be made without a hearing, indicate that the sheriff is considering doing so,
  - (e) use the sheriff's powers to dismiss a claim or decide a case under rule 1.8(11), (12) and (13).

### **7.7 What is a case management discussion?**

- (1) A case management discussion may take place in a courtroom, by videoconference, conference call, or in any other form or location ordered by the sheriff.
- (2) The purpose of a case management discussion is so that the sheriff may:

- (a) discuss the claim and response with the parties and clarify any concerns the sheriff has,
  - (b) discuss negotiation and alternative dispute resolution with the parties,
  - (c) give the parties, in person, guidance and orders about the witnesses, documents and other evidence which they need to bring to a hearing,
  - (d) give the parties, in person, orders which arrange a hearing.
- (3) The sheriff may refer parties to alternative dispute resolution at a case management discussion.
- (4) The sheriff may do anything at a case management discussion that can be done at a hearing, including making a decision in a case or part of a case.

### **7.8 What is a hearing?**

- (1) The purpose of a hearing is to help the sheriff to resolve the dispute between the parties.
- (2) Part 12 of these Rules is about hearings.