

**ACT OF SEDERUNT (SHERIFF COURT ORDINARY CAUSE RULES) 1993
No.1956 (S.223)**

SCHEDULE 1

Initiation and progress of causes

CHAPTER 1 CITATION, INTERPRETATION, REPRESENTATION AND FORMS

- [1.1.](#) Citation
- [1.2.](#) Interpretation
- [1.3.](#) Representation
- [1.4.](#) Forms

Citation

1.1. These Rules may be cited as the Ordinary Cause Rules 1993.

Interpretation

1.2. (1) In these Rules, unless the context otherwise requires

"document" has the meaning assigned to it in section 9 of the Civil Evidence (Scotland) Act 1988;

"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

"period of notice" means the period determined under rule 3.6 (period of notice after citation);

"the Act of 2004" means the Vulnerable Witnesses (Scotland) Act 2004.

(2) For the purposes of these Rules

- (a) "affidavit" includes an affirmation and a statutory or other declaration; and
- (b) an affidavit shall be sworn or affirmed before a notary public or any other competent authority.

(3) Where a provision in these Rules requires a party to intimate or send a document to another party, it shall be sufficient compliance with that provision if the document is intimated or sent to the solicitor acting in the cause for that party.

(4) Unless the context otherwise requires, anything done or required to be done under a provision in these Rules by a party may be done by the agent for that party acting on his behalf.

(5) Unless the context otherwise requires, a reference to a specified Chapter, Part, rule or form, is a reference to the Chapter, Part, rule or form in Appendix 1, so

specified in these Rules; and a reference to a specified paragraph, sub-paragraph or head is a reference to that paragraph of the rule or form, that sub-paragraph of that paragraph or that head of that sub-paragraph, in which the reference occurs.

(6) In these Rules, references to a solicitor include a reference to a member of a body which has made a successful application under section 25 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 but only to the extent that the member is exercising rights acquired by virtue of section 27 of that Act.

Representation

1.3. (1) Subject to paragraph (2), a party to any proceedings arising solely under the provisions of the Debtors (Scotland) Act 1987 shall be entitled to be represented by a person other than a solicitor or an advocate provided that the sheriff is satisfied that such person is a suitable representative and is duly authorised to represent that party.

(2) Paragraph (1) shall not apply to an appeal to the sheriff principal.

(3) A party may be represented by any person authorised under any enactment to conduct proceedings in the sheriff court in accordance with the terms of that enactment.

(4) The person referred to in paragraph (3) may do everything for the preparation and conduct of an action as may have been done by an individual conducting his own action.

Forms

1.4. Where there is a reference to the use of a form in these Rules, that form in Appendix 1 or Appendix 2, as the case may be, to these Rules, or a form substantially to the same effect, shall be used with such variation as circumstances may require.