

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

**SCHEDULE 1**

*Initiation and progress of causes*

**CHAPTER 9A DOCUMENTS AND WITNESSES**

[9A.1.](#) Application of this Chapter

[9A.2.](#) Inspection and recovery of documents

[9A.3.](#) Exchange of lists of witnesses

[9A.4.](#) Applications in respect of time to pay directions and arrestments

**Application of this Chapter**

9A.1. This Chapter applies to any cause proceeding under Chapters 9 and 10.

**Inspection and recovery of documents**

9A.2. (1) Each party shall, within 14 days after the date of the interlocutor allowing proof or proof before answer, intimate to every other party a list of the documents, which are or have been in his possession or control and which he intends to use or put in evidence at the proof, including the whereabouts of those documents.

(2) A party who has received a list of documents from another party under paragraph (1) may inspect those documents which are in the possession or control of the party intimating the list at a time and place fixed by that party which is reasonable to both parties.

(3) A party who seeks to use or put in evidence at a proof a document not on his list intimated under paragraph (1) shall, if any other party objects to such document being used or put in evidence, seek leave of the sheriff to do so; and such leave may be granted on such conditions, if any, as the sheriff thinks fit.

(4) Nothing in this rule shall affect-

(a) the law relating, or the right of a party to object, to the inspection of a document on the ground of privilege or confidentiality; or

(b) the right of a party to apply under rule 28.2 for a commission and diligence for recovery of documents or an order under section 1 of the Administration of Justice (Scotland) Act 1972.

**Exchange of lists of witnesses**

9A.3. (1) Within 28 days after the date of the interlocutor allowing a proof or proof before answer, each party shall-

(a) intimate to every other party a list of witnesses, including any skilled witnesses, on whose evidence he intends to rely at proof; and

(b) lodge a copy of that list in process.

(2) A party who seeks to rely on the evidence of a person not on his list intimated under paragraph (1) shall, if any other party objects to such evidence being admitted, seek leave of the sheriff to admit that evidence whether it is to be given orally or not; and such leave may be granted on such conditions, if any, as the sheriff thinks fit.

(3) The list of witnesses intimated under paragraph (1) shall include the name, occupation (where known) and address of each intended witness and indicate whether the witness is considered to be a vulnerable witness within the meaning of section 11(1) of the Act of 2004 and whether any child witness notice or vulnerable witness application has been lodged in respect of that witness.

### **Applications in respect of time to pay directions, arrestments and time orders**

9A.4. An application for –

(a) a time to pay direction under section 1(1) of the Debtors (Scotland) Act 1987;

(b) the recall or restriction of an arrestment under section 2(3) or 3(1) of that Act; or

(c) a time order under section 129 of the Consumer Credit Act 1974,

in a cause which is defended, shall be made by motion lodged before the sheriff grants decree.