

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

SCHEDULE 1

Initiation and progress of causes

CHAPTER 13 PARTY MINUTER PROCEDURE

[13.1.](#) Person claiming title and interest to enter process as defender

[13.2.](#) Procedure following leave to enter process

Person claiming title and interest to enter process as defender

13.1. (1) A person who has not been called as a defender or third party may apply by minute for leave to enter a process as a party minuter and to lodge defences.

(2) A minute under paragraph (1) shall specify-

(a) the applicant's title and interest to enter the process; and

(b) the grounds of the defence he proposes to state.

(3) Subject to paragraph (4), after hearing the applicant and any party, the sheriff may-

(a) if he is satisfied that the applicant has shown title and interest to enter the process, grant the applicant leave to enter the process as a party minuter and to lodge defences; and

(b) make such order as to expenses or otherwise as he thinks fit.

(4) Where an application under paragraph (1) is made after the closing of the record, or in a personal injuries action subject to personal injuries procedure after the date upon which the record is required to be lodged, the sheriff shall only grant leave under paragraph (3) if he is satisfied as to the reason why earlier application was not made.

Procedure following leave to enter process

13.2. (1) Where a party minuter lodges defences, the sheriff clerk shall fix a date and time under rule 9.2 for a hearing under rule 9.12 (Options Hearing) as if the party minuter had lodged a notice of intention to defend and the period of notice had expired on the date for lodging defences.

(2) At the Options Hearing, or at any time thereafter, the sheriff may grant such decree or other order as he thinks fit.

(3) A decree or other order against the party minuter shall have effect and be extractable in the same way as a decree or other order against a defender.

(4) Paragraphs (1), (2) and (3) shall not apply to a personal injuries action which is subject to personal injuries procedure.

(5) Where the sheriff grants an application under rule 13.1 in a personal injuries action which is subject to personal injuries procedure, the sheriff may make such further order as he thinks fit.