

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

SCHEDULE 1

Initiation and progress of causes

CHAPTER 16 DECREES BY DEFAULT

[16.1.](#) Application of this Chapter

[16.2.](#) Decrees where party in default

[16.3.](#) Prorogation of time where party in default

Application of this Chapter

16.1. This Chapter applies to any cause other than-

- (a) an action to which rule 33.37 (decree by default in family action) applies;
- (aa) an action to which rule 33A.37 (decree by default in a civil partnership action) applies;
- (b) an action of multiplepounding;
- (c) a cause under the Presumption of Death (Scotland) Act 1977; or
- (d) a commercial action within the meaning of Chapter 40

Decrees where party in default

16.2. (1) In a cause to which this Chapter applies, where a party fails-

- (a) to lodge, or intimate the lodging of, any production or part of process within the period required under a provision in these Rules or an order of the sheriff,
- (b) to implement an order of the sheriff within a specified period,
- (c) to appear or be represented at any diet, or
- (d) otherwise to comply with any requirement imposed upon that party by these Rules.

that party shall be in default.

(2) Where a party is in default, the sheriff may, as the case may be-

- (a) grant decree as craved with expenses;
- (b) grant decree of absolvitor with expenses;
- (c) dismiss the cause with expenses; or
- (d) make such other order as he thinks fit to secure the expeditious

progress of the cause.

(3) Where no party appears at a diet, the sheriff may dismiss the cause.

(4) In this rule, "diet" includes -

(a) a hearing under rule 9.12 (Options Hearing);

(b) a hearing under rule 10.6 (Procedural Hearing);

(c) a proof or proof before answer; and

(d) a debate.

Prorogation of time where party in default

16.3. In an action to which this Chapter applies, the sheriff may, on cause shown, prorogate the time for lodging any production or part of process or for giving intimation or for implementing any order.