

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

SCHEDULE 1

Initiation and progress of causes

CHAPTER 21 DOCUMENTS FOUNDED ON OR ADOPTED IN PLEADINGS

[21.1.](#) Lodging documents founded on or adopted

[21.2.](#) Consequences of failure to lodge documents founded on or adopted

[21.3.](#) Objection to documents founded on

Lodging documents founded on or adopted

21.1. (1) Subject to any other provision in these Rules, any document founded on by a party, or adopted as incorporated, in his pleadings shall, so far as in his possession or within his control, be lodged in process as a production by him-

(a) when founded on or adopted in an initial writ, at the time of returning the initial writ under rule 9.3 or, in the case of a personal injuries action raised under Part AI of Chapter 36, when the initial writ is presented for warranting in accordance with rule 5.1;

(b) when founded on or adopted in a minute, defences, counterclaim or answers, at the time of lodging that part of process; and

(c) when founded on or adopted in an adjustment to any pleadings, at the time when such adjustment is intimated to any other party.

(2) Paragraph (1) shall be without prejudice to any power of the sheriff to order the production of any document or grant a commission and diligence for recovery of it.

Consequences of failure to lodge documents founded on or adopted

21.2. Where a party fails to lodge a document in accordance with rule 21.1(1), he may be found liable in the expenses of any order for production or recovery of it obtained by any other party.

Objection to documents founded on

21.3. (1) Where a deed or writing is founded on by a party, any objection to it by any other party may be stated and maintained by exception without its being reduced.

(2) Where an objection is stated under paragraph (1) and an action of reduction would otherwise have been competent, the sheriff may order the party

stating the objection to find caution or give such other security as the sheriff thinks fit.