

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

**SCHEDULE 1**

*Initiation and progress of causes*

**CHAPTER 22 PRELIMINARY PLEAS**

22.1. Note of basis of preliminary plea

**Note of basis of preliminary plea**

22.1. (1) A party intending to insist on a preliminary plea shall, not later than 3 days before the Options Hearing under rule 9.12 or the Procedural Hearing under rule 10.6-

- (a) lodge in process a note of the basis for the plea; and
- (b) intimate a copy of it to every other party.

(2) Where the Options Hearing is continued under rule 9.12(5) and a preliminary plea is added by adjustment, a party intending to insist on that plea shall, not later than 3 days before the date of the Options Hearing so continued-

- (a) lodge in process a note of the basis for the plea; and
- (b) intimate a copy of it to every other party

(3) If a party fails to comply with paragraph (1) or (2), he shall be deemed to be no longer insisting on the preliminary plea; and the plea shall be repelled by the sheriff at the Options Hearing or Procedural Hearing.

(4) At any proof before answer or debate, parties may on cause shown raise matters in addition to those set out in the note mentioned in paragraph (1) or (2).

(5) Where a note of the basis of a preliminary plea has been lodged under paragraph (1), and the Options Hearing is continued under rule 9.12(5), unless the basis of the plea has changed following further adjustment, it shall not be necessary for a party who is insisting on the plea to lodge a further note before the Options Hearing so continued