

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

SCHEDULE 1

Initiation and progress of causes

CHAPTER 23 ABANDONMENT

[23.1.](#) Abandonment of causes

[23.2.](#) Application of abandonment to counterclaims

Abandonment of causes

23.1. (1) A pursuer may abandon a cause at any time before decree of absolvitor or dismissal by lodging a minute of abandonment and-

- (a) consenting to decree of absolvitor; or
- (b) seeking decree of dismissal.

(2) The sheriff shall not grant decree of dismissal under paragraph (1)(b) unless full judicial expenses have been paid to the defender, and any third party against whom the pursuer has directed any crave, within 28 days after the date of taxation.

(3) If the pursuer fails to pay the expenses referred to in paragraph (2) to the party to whom they are due within the period specified in that paragraph, that party shall be entitled to decree of absolvitor with expenses.

Application of abandonment to counterclaims

23.2. Rule 23.1 shall, with the necessary modifications, apply to the abandonment by a defender of his counterclaim as it applies to the abandonment of a cause.