

RESPONSE TO CONSULTATION QUESTIONNAIRE

Part 1 General Proposition

- Q1a Yes
- Q1b The general proposition is supported on the basis that it promotes uniformity within the Civil Courts.
- Q2a Yes
- Q2b Yes
- Q3a No
- Q3b The Sheriff Court Small Claim Rules should be limited as far as possible to simple and straightforward cases. Personal injury actions do not necessarily lend themselves to this category.

Part 2 Proposed new Chapter XX of the Sheriff Court Ordinary Cause Rules

- Q4a Yes
- Q5a Yes
- Q6a Yes
- Q7a No
- Q7b There would not appear to be any scope for Defenders to challenge an Order for Inspection and Recovery of Documents. It is possible that where the Defender is a public authority a request for information will already have been made under the Freedom of Information (Scotland) Act 2002. It would be unsatisfactory from a public authority's point of view that a Court at the stage of warranting deemed to grant such an Order which may conflict with a response under the 2002 Act.
- Q8a Yes
- Q8c This is satisfactory
- Q9a Yes
- Q10a Yes
- Q11a Yes
- Q12a Yes
- Q13a Yes
- Q14a Yes
- Q15a Yes
- Q16a Yes
- Q17a Yes
- Q18a Yes
- Q19a Yes
- Q20a Yes
- Q21a Yes
- Q22a Yes