

ACT OF SEDERUNT (SMALL CLAIM RULES) 2002 NO. 133

CHAPTER 1 CITATION, INTERPRETATION AND APPLICATION

Citation, interpretation and application

- 1.1. (1) These Rules may be cited as the Small Claim Rules 2002.
- (2) In these rules-
- "the 1971 Act" means the Sheriff Courts (Scotland) Act 1971;
 - "the 1975 Act" means the Litigants in Person (Costs and Expenses) Act 1975;
 - "the 2004 Act" means the Vulnerable Witnesses (Scotland) Act 2004
 - "authorised lay representative" means a person to whom section 32(1) of the Solicitors (Scotland) Act 1980 (offence to prepare writs) does not apply by virtue of section 32(2)(a) of that Act;
 - "enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
 - "small claim" has the meaning assigned to it by section 35(2) of the 1971 Act;
 - "summary cause" has the meaning assigned to it by section 35(1) of the 1971 Act.
- (3) Any reference in these Rules to a specified rule shall be construed as a reference to the rule bearing that number in these Rules, and a reference to a specified paragraph, sub-paragraph or head shall be construed as a reference to the paragraph, sub-paragraph or head so numbered or lettered in the provision in which that reference occurs.
- (4) A form referred to by number in these Rules means the form so numbered in Appendix 1 to these rules or a form substantially of the same effect with such variation as circumstances may require.
- (4A) In these Rules, references to a solicitor include a reference to a member of a body which has made a successful application under section 25 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 but only to the extent that the member is exercising rights acquired by virtue of section 27 of that Act.
- (5) The glossary in Appendix 2 to these Rules is a guide to the meaning of certain legal expressions used in these Rules, but is not to be taken as giving those expressions any meaning which they do not have in law generally.
- (6) These Rules shall apply to a small claim.