

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

CHAPTER 10 INCIDENTAL APPLICATIONS AND SISTS

- 10.1. [General](#)
- 10.2. [Application to sist claim](#)

General

- 10.1.** (1) Except where otherwise provided, any incidental application in a claim may be made-
- (a) orally with the leave of the sheriff during any hearing of the claim; or
 - (b) by lodging the application in written form with the sheriff clerk.
- (2) An application lodged in accordance with paragraph (1)(b) may only be heard after not less than two days' notice has been given to the other party.
- (3) A party who is not-
- (a) a partnership or a body corporate; or
 - (b) acting in a representative capacity,
- and is not represented by a solicitor, may require the sheriff clerk to intimate to the other party a copy of an incidental application.
- (4) Where the party receiving notice of an incidental application lodged in accordance with paragraph (1)(b) intimates to the sheriff clerk and the party making the application that it is not opposed, the application shall not require to call in court unless the sheriff so directs.
- (5) Any intimation under paragraph (4) shall be made not later than noon on the day before the application is due to be heard.

Application to sist claim

- 10.2.** (1) Where an incidental application to sist a claim is made, the reason for the sist-
- (a) shall be stated by the party seeking the sist; and
 - (b) shall be recorded in the Register of Small Claims and on the summons.
- (2) Where a claim has been sisted, the sheriff may, after giving parties an opportunity to be heard, recall the sist.