

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

CHAPTER 20 DECREE BY DEFAULT

Decree by default

- 20.1.** (1) If, after the sheriff has fixed a hearing on evidence under rule 9.2(4), any party fails to appear or be represented at a hearing, the sheriff may grant decree by default.
- (2) If all parties fail to appear or be represented at a hearing referred to at paragraph (1) the sheriff must, unless sufficient reason appears to the contrary, dismiss the claim and any counterclaim.
- (3) If, after a defence has been stated, a party fails to implement an order of the court, the sheriff may, after giving him an opportunity to be heard, grant decree by default.
- (4) The sheriff shall not grant decree by default solely on the ground that a party has failed to appear at the hearing of an incidental application.