



FORM 1

**OFFICIAL USE ONLY
SUMMONS No.**

Small Claim Summons

Action for/of

(state type, e.g., payment of money)

Sheriff Court
(name, address, e-mail
and telephone no.)

1 [Empty box for Sheriff Court details]

Name and address
of person making
the claim (**pursuer**)

2 [Empty box for Name and address of person making the claim]

Name and address of
person against whom
claim made (**defender**)

3 [Empty box for Name and address of person against whom claim made]

Claim (form of decree or
other order sought)

4 [Empty box for Claim details]

Name, full address,
telephone no, and e-mail
address of pursuer's
solicitor or authorised
lay representative (if

5 [Empty box for Name, full address, telephone no, and e-mail address of pursuer's solicitor or authorised lay representative]

Fee Details (Enter these
only if forms sent
electronically to court)

5a [Empty box for Fee Details]

6	RETURN DAY	20		
	HEARING DATE	20	at	am.

**Sheriff Clerk to
delete as appropriate*

Court Authentication

The pursuer is authorised to serve a copy summons in Form *1a/1b, on the defender(s) not less than *21/42 days before the **RETURN DAY** shown in the box above. The summons is warrant for service, and for citation of witnesses to attend court on any future date at which evidence may be led.

Sheriff clerk depute (name) _____ Date: _____ 20

NOTE: The pursuer should complete boxes 1 to 5a, and the statement of claim on page 2. The sheriff clerk will complete box 6.

**7. STATE DETAILS OF CLAIM HERE OR ATTACH A STATEMENT OF CLAIM
(To be completed by the pursuer. If space is insufficient, a separate sheet may be attached)**

The details of the claim are:

FOR OFFICIAL USE ONLY

Sheriff's notes as to:

1. Issues of fact and law in dispute
2. Facts agreed
3. Directions and guidance upon evidence to be led



FORM 1a

OFFICIAL USE ONLY
SUMMONS No.

Small Claim Summons

Action for/of

(state type, e.g., payment of money)

DEFENDER'S COPY: Claim for or including payment of money (where time to pay direction or time order may be applied for)

Sheriff Court
(name, address, e-mail and
telephone no.)

1

Name and address of person
making the claim (**pursuer**)

2

Name and address of person
against whom claim made
(**defender**)

3

Claim (form of decree or other
order sought – *complete as in
section 4 of Form 1*)

4

Name, full address, telephone
no., and e-mail address of
pursuer's solicitor or
authorised lay representative
(if any) acting in the claim

5

6

RETURN DAY	20
HEARING DATE	20 at am.

NOTE: You will find details of claim on page 2.

**7. STATE DETAILS OF CLAIM HERE OR ATTACH A STATEMENT OF CLAIM
(To be completed by the pursuer. If space is insufficient, a separate sheet may be attached)**

The details of the claim are:

8. SERVICE ON DEFENDER

(Place)

(Date)

To:

(Defender)

You are hereby served with a copy of the above summons.

Solicitor / sheriff officer
delete as appropriate

NOTE: The pursuer should complete boxes 1 to 6 on page 1, the statement of claim in box 7 on page 2 and section A on page 7 before service on the defender. The person serving the Summons will complete box 8, above.

WHAT MUST I DO ABOUT THIS SUMMONS?

The RETURN DAY (on page 1 of this summons) is the deadline by which you need to reply to the court. You must send the correct forms back (see below for details) by this date if you want the court to hear your case. If you do not do this, in most cases there will not be a hearing about your case and the court will make a decision in your absence.

The HEARING DATE (on page 1 of this summons) is the date for the court hearing.

You should decide whether you wish to dispute the claim, admit liability for the claim and whether you owe any money or not, and how you wish to proceed. Then, look at the 5 options listed below. Find the one that covers your decision and follow the instructions given there.

If you are not sure what you need to do, contact the sheriff clerk's office before the return day. Written guidance can also be obtained from the Scottish Court Service website (www.scotcourts.gov.uk).

OPTIONS

1. ADMIT LIABILITY FOR THE CLAIM and settle it with the pursuer now.

If you wish to avoid the possibility of a court order passing against you, you should settle the claim (including any question of expenses) with the pursuer or his representative **in good time before the return day**. Please do not send any payment direct to the court. Any payment should be made to the pursuer or his representative.

2. ADMIT LIABILITY FOR THE CLAIM and make written application to pay by instalments or by deferred lump sum.

Complete Box 1 of section B on page 7 of this form and return pages 7, 9 and 10 to the court **to arrive on or before the return day**. You should then contact the court to find out whether or not the pursuer has accepted your offer. If he has not accepted it, the case will then call in court on the calling date, when the court will decide how the amount claimed is to be paid.

If your claim is for delivery, or implement of an obligation, and you wish to pay the alternative amount claimed, you may also wish to make an application about the method of payment. If so, follow the instructions in the previous paragraph.

NOTE: If you fail to return pages 7, 9 and 10 as directed, or if, having returned them, you fail to attend or are not represented at the calling date if the case is to call, the court may decide the claim in your absence.

3. ADMIT LIABILITY FOR THE CLAIM and attend at court to make application to pay by instalments or deferred lump sum.

Complete Box 2 on page 7. Return page 7 to the court so that it arrives **on or before the return day**.

If the claim for delivery, or implement of an obligation, you may wish to pay the alternative amount claimed and attend at court to make an application about the method of payment.

You must attend personally, or be represented, at court on the hearing date. Your representative may be a solicitor, or someone else having your authority. It may be helpful if you or your representative bring pages 1 and 2 of this form to the court.

NOTE: If you fail to return page 7 as directed, or if, having returned it, you fail to attend or are not represented at the hearing date, the court may decide the claim in your absence.

4. DISPUTE THE CLAIM and attend at court to do any of the following:

- Challenge the jurisdiction of the court
- State a defence
- State a counterclaim
- Dispute the amount of the claim

Complete Box 3 on page 7. Return page 7 to the court so that it arrives **on or before the return day.** **You must attend personally, or be represented, at court on the hearing date.**

Your representative may be a solicitor, or someone else having your authority. It may be helpful if you or your representative bring pages 1 and 2 of this form to the court.

NOTE: If you fail to return page 7 as directed, or if, having returned it, you fail to attend or are not represented at the hearing date, the court may decide the claim in your absence.

WRITTEN NOTE OF PROPOSED COUNTERCLAIM

You must send to the court a written note of any counterclaim. If you do, you should also send a copy to the pursuer. You must also attend or be represented at court on the hearing date.

5. ADMIT LIABILITY FOR THE CLAIM and make written application for a time order under the Consumer Credit Act 1974.

Complete Box 4 on page 8 and return pages 7 and 8 and 11 to 13 to the court to arrive on or before the return day. You should then contact the court to find out whether or not the pursuer has accepted your offer. Where you have been advised that the pursuer has not accepted your offer then the case will call in court on the hearing date. You should appear in court on the hearing date as the court will decide how the amount claimed is to be paid.

NOTE: If you fail to return pages 8 and 9 and 11 to 13 as directed, or if, having returned them, you fail to attend or are not represented at the hearing date, if the case is to call, the court may decide the claim in your absence.

PLEASE NOTE

If you do nothing about this summons, the court will almost certainly, where appropriate, grant decree against you and order you to pay the pursuer the sum claimed, including any interest and expenses found due.

If the summons is for delivery, or implement of an obligation, the court may order you to deliver the article or perform the duty in question within a specified period. If you fail to do so, the court may order you to pay to the pursuer the alternative amount claimed, including interest and expenses.

YOU ARE ADVISED TO KEEP PAGES 1 AND 2, AS THEY MAY BE USEFUL AT A LATER STAGE OF THE CASE.

Notes

(1) Time to pay directions

The Debtors (Scotland) Act 1987 gives you the right to apply to the court for a “time to pay direction”. This is an order which allows you to pay any sum which the court orders you to pay either in instalments or by deferred lump sum. A “deferred lump sum” means that you will be ordered by the court to pay the whole amount at one time within a period which the court will specify.

If the court makes a time to pay direction it may also recall or restrict any arrestment made on your property by the pursuer in connection with the action or debt (for example, your bank account may have been frozen).

No court fee is payable when making an application for a time to pay direction.

If a time to pay direction is made, a copy of the court order (called an extract decree) will be sent to you by the pursuer telling you when payment should start or when it is you have to pay the lump sum.

If a time to pay direction is not made, and an order for immediate payment is made against you, an order to pay (called a charge) may be served on you if you do not pay.

(2) Determination of application

Under the 1987 Act, the court is required to make a time to pay direction if satisfied that it is reasonable in the circumstances to do so, and having regard in particular to the following matters—

- The nature of and reasons for the debt in relation to which decree is granted
- Any action taken by the creditor to assist the debtor in paying the debt
- The debtor’s financial position
- The reasonableness of any proposal by the debtor to pay that debt
- The reasonableness of any refusal or objection by the creditor to any proposal or offer by the debtor to pay the debt.

(3) Time Orders

The Consumer Credit Act 1974 allows you to apply to the court for a “time order” during a court action, to ask the court to give you more time to pay a loan agreement. **A time order is similar to a time to pay direction, but can only be applied for where the court action is about a credit agreement regulated by the Consumer Credit Act.** The court has power to grant a time order in respect of a regulated agreement to reschedule payment of the sum owed. This means that a time order can change:

- the amount you have to pay each month
- how long the loan will last
- in some cases, the interest rate payable

A time order can also stop the creditor taking away any item bought by you on hire purchase or conditional sale under the regulated agreement, so long as you continue to pay the instalments agreed.

No court fee is payable when making an application for a time order.

SECTION A

This section must be completed before service

SHERIFF COURT (Including address)

PURSUER'S FULL NAME AND ADDRESS

Summons No
Return Day
Hearing Date

DEFENDER'S FULL NAME AND ADDRESS

SECTION B

DEFENDER'S RESPONSE TO THE SUMMONS

**** Delete those boxes which do not apply**

****Box 1**

ADMIT LIABILITY FOR THE CLAIM and make written application to pay by instalments or by deferred lump sum.

I do not intend to defend the case but admit liability for the claim and wish to pay the sum of money claimed.

I wish to make a written application about payment.

I have completed the application form on pages 9 and 10.

****Box 2**

ADMIT LIABILITY FOR THE CLAIM and attend at court.

I admit liability for the claim.

I wish to make an application to pay the sum claimed by instalments or by deferred lump sum.

I intend to appear or be represented at court.

****Box 3**

DISPUTE THE CLAIM (or the amount due) and attend at court

*I wish to dispute the amount due only.

*I intend to challenge the jurisdiction of the court.

*I intend to state a defence.

*I intend to state a counterclaim.

*I intend to appear or be represented in court.

*I attach a note of my proposed counterclaim which has been copied to the pursuer.
*delete as necessary

****Box 4**

ADMIT LIABILITY FOR THE CLAIM and apply for a time order under the Consumer Credit Act 1974.

I do not intend to defend the case but admit liability for the claim.

I wish to apply for a time order under the Consumer Credit Act 1974.

I have completed the application form on pages 11 to 13.

NOTE: Please remember to send your response to the court to arrive on or before the return day if you have completed any of the responses above.

APPLICATION IN WRITING FOR A TIME TO PAY DIRECTION

I WISH TO APPLY FOR A *TIME TO PAY DIRECTION

I admit the claim and make application to pay as follows:

(1) by instalments of £ _____ per *week / fortnight / month

OR

(2) in one payment within _____ *weeks / months from the date of the court order.

The debt is for (*specify the nature of the debt*) and has arisen (*here set out the reasons the debt has arisen*)

Please also state why you say a time to pay direction should be made. In doing so, please consider Notes (1) and (2) on page 5.

To help the court please provide details of your financial position in the boxes below.

I am employed / self-employed / unemployed

***Please also indicate whether payment/receipts are weekly, fortnightly or monthly**

My outgoings are:	*Weekly / fortnightly / monthly
Rent/mortgage	£
Council tax	£
Gas/electricity etc	£
Food	£
Loans and credit agreements	£
Phone	£
Other	£
Total	£

My net income is	*Weekly / fortnightly / monthly
Wages/pensions	£
State benefits	£
Tax credits	£
Other	£
Total	£

People who rely on your income (e.g. spouse/civil partner/ partner/children) – how many

Please list details of all capital held, e.g. value of house; amount in savings account, shares or other investments:

I am of the opinion that the payment offer is reasonable for the following reason(s):

Here set out any information you consider relevant to the court's determination of the application. In doing so, please consider Note (2) on page 5.

***APPLICATION FOR RECALL OR RESTRICTION OF AN ARRESTMENT**

I seek the recall or restriction of the arrestment of which the details are as follows:

Date:

**Delete if inapplicable*

	APPLICATION FOR A TIME ORDER UNDER THE CONSUMER CREDIT ACT 1974	
	By	
	DEFENDER	
	In an action raised by	
	PURSUER	
	PLEASE WRITE IN INK USING BLOCK CAPITALS	
	<p>If you wish to apply to pay by instalments enter the amount at box 3. If you wish the court to make any additional orders, please give details at box 4. Please give details of the regulated agreement at box 5 and details of your financial position in the space provided below at box 5.</p> <p>Sign and date the application where indicated.</p> <p>You should ensure that your application arrives at the court along with completed pages 7 and 8 on or before the return day.</p>	
	<p>1. The Applicant is a defender in the action brought by the above named pursuer.</p> <p>I/WE WISH TO APPLY FOR A TIME ORDER under the Consumer Credit Act 1974</p>	
	<p>2. Details of order(s) sought</p> <p>The defender wishes to apply for a time order under section 129 of the Consumer Credit Act 1974.</p> <p>The defender wishes to apply for an order in terms of section of the Consumer Credit Act 1974.</p>	
	PAGE 11	

	<p>3. Proposals for payment</p> <p>I admit the claim and apply to pay the arrears and future instalments as follows:</p> <p>By instalments of £ per *week/fortnight/month</p> <p>No time to pay direction or time to pay order has been made in relation to this debt.</p>
	<p>4. Additional orders sought</p> <p>The following additional order(s) is (are) sought: (<i>specify</i>)</p> <p>The order(s) sought in addition to the time order is (are) sought for the following reasons:</p>
	<p>5. Details of regulated agreement <i>(Please attach a copy of the agreement if you have retained it and insert details of the agreement where known)</i></p> <p>(a) Date of agreement</p> <p>(b) Reference number of agreement</p>
	<p>(c) Names and addresses of other parties to agreement</p> <p>(d) Name and address of person (if any) who acted as surety (guarantor) to the agreement</p> <p>(e) Place where agreement signed (e.g. the shop where agreement signed, including name and address)</p> <p>(f) Details of payment arrangements</p>
	<p>i. The agreement is to pay instalments of £ per week/month</p> <p>ii. The unpaid balance is £ / I do not know the amount of arrears</p> <p style="text-align: right;">PAGE 12</p>

	iii. I am £ in arrears / I do not know the amount of arrears		
	Defender's financial position		
	I am employed /self employed / unemployed		
	My net income is:	weekly, fortnightly or monthly	My outgoings are: weekly, fortnightly or monthly
	Wages	£	Mortgage/rent
	State benefits	£	Council tax
	Tax credits	£	Gas/electricity etc
	Other	£	Food
			Credit and loans
			Phone
			Other
	Total	£	Total
	People who rely on your income (e.g. spouse/civil partner/partner/children) – how many		
	Here list all assets (if any) e.g. value of house; amounts in bank or building society accounts; shares or other investments:		
	Here list any outstanding debts:		
	Therefore the defender asks the court to make a time order		
	Date:	Signed: Defender:	
PAGE 13			