

# ACT OF SEDERUNT (SUMMARY CAUSE RULES) 2002 NO. 132

## CHAPTER 2 REPRESENTATION

### 2.1 [Representation](#)

### 2.2 [Lay Support](#)

#### **Representation**

2.1. (1) A party may be represented by –

- (a) an advocate;
- (b) a solicitor;
- (c) a person authorised under any enactment to conduct proceedings in the sheriff court, in accordance with the terms of that enactment; and
- (d) subject to the paragraphs (2) and (4), an authorised lay representative.

(2) An authorised lay representative shall not appear in court on behalf of a party except at the hearing held in terms of rule 8.2(1) and, unless the sheriff otherwise directs, any subsequent or other calling where the action is not defended on the merits or on the amount of the sum due.

(3) The persons referred to in paragraph (1)(c) and (d) above may, in representing a party, do everything for the preparation and conduct of an action as may be done by an individual conducting his own action.

(4) If the sheriff finds that the authorised lay representative is-

- (a) not a suitable person to represent the party; or
- (b) not in fact authorised to do so,

that person must cease to represent the party.

(5) A party may be represented by a person other than an advocate or solicitor at any stage of any proceedings under the Debtors (Scotland) Act 1987, other than appeals to the sheriff principal, if the sheriff is satisfied that that person is a suitable person to represent the party at that stage and is authorised to do so.

#### **Lay support**

2.2. (1) At any time during proceedings the sheriff may, on the request of a party litigant, permit a named individual to assist the litigant in the conduct of the proceedings by sitting beside or behind (as the litigant chooses) the litigant at hearings in court or in chambers and doing such of the following for the litigant as he or she requires—

- (a) providing moral support;

- (b) helping to manage the court documents and other papers;
- (c) taking notes of the proceedings;
- (d) quietly advising on—
  - (i) points of law and procedure;
  - (ii) issues which the litigant might wish to raise with the sheriff;
  - (iii) questions which the litigant might wish to ask witnesses.

(2) It is a condition of such permission that the named individual does not receive from the litigant, whether directly or indirectly, any remuneration for his or her assistance.

(3) The sheriff may refuse a request under paragraph (1) only if—

- (a) the sheriff is of the opinion that the named individual is an unsuitable person to act in that capacity (whether generally or in the proceedings concerned); or
- (b) the sheriff is of the opinion that it would be contrary to the efficient administration of justice to grant it.

(4) Permission granted under paragraph (1) endures until the proceedings finish or it is withdrawn under paragraph (5); but it is not effective during any period when the litigant is represented.

(5) The sheriff may, of his or her own accord or on the incidental application of a party to the proceedings, withdraw permission granted under paragraph (1); but the sheriff must first be of the opinion that it would be contrary to the efficient administration of justice for the permission to continue.

(6) Where permission has been granted under paragraph (1), the litigant may—

- (a) show the named individual any document (including a court document); or
- (b) impart to the named individual any information,

which is in his or her possession in connection with the proceedings without being taken to contravene any prohibition or restriction on the disclosure of the document or the information; but the named individual is then to be taken to be subject to any such prohibition or restriction as if he or she were the litigant.

(7) Any expenses incurred by the litigant as a result of the support of an individual under paragraph (1) are not recoverable expenses in the proceedings.