

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

### CHAPTER 9 INCIDENTAL APPLICATIONS AND SISTS

- 9.1. [General](#)
- 9.2. [Application to sist action](#)

#### **General**

- 9.1.** (1) Except where otherwise provided, any incidental application in an action may be made-
- (a) orally with the leave of the sheriff during any hearing of the action; 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) 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 the application is not opposed, the application shall not require to call in court unless the sheriff so directs.
- (4) Any intimation made under paragraph (3) shall be made not later than noon on the day before the application is due to be heard.

#### **Application to sist action**

- 9.2.** (1) Where an incidental application to sist an action 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 Summary Causes and on the summons.
- (2) Where an action has been sisted, the sheriff may, after giving parties an opportunity to be heard, recall the sist.