

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

CHAPTER 12 SUMMARY DECREE

- 12.1. [Application of chapter](#)
- 12.2. [Application for summary decree](#)
- 12.3. [Summary decree in a counterclaim etc.](#)

Application of chapter

12.1. This chapter applies to any action other than an action of multiplepinding.

Application for summary decree

- 12.2.** (1) A pursuer may at any time after a defender has lodged a form of response apply by incidental application for summary decree against any defender on the ground that there is no defence to the action or any part of it.
- (2) In applying for summary decree the pursuer may ask the sheriff to dispose of the whole or part of the subject matter of the action.
- (3) The pursuer shall intimate an application under paragraph (1) by registered or recorded delivery post to every other party not less than seven days before the date fixed for the hearing of the application.
- (4) On an application under paragraph (1), the sheriff may ordain any party, or a partner, director, officer or office-bearer of any party-
- (a) to produce any relevant document or article; or
 - (b) to lodge an affidavit in support of any assertion of fact made in the action or at the hearing of the incidental application.
- (5) Notwithstanding the refusal of an application for summary decree, a subsequent application may be made on a change of circumstances.

Summary decree in a counterclaim etc.

12.3. Rule 12.2 shall apply with the necessary modifications to an application by any other party for summary decree.