

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

CHAPTER 21 ABANDONMENT

Abandonment of action

- 21.1.** (1) A pursuer may before an order granting absolvitor or dismissing the action has been pronounced, offer to abandon the action.
- (2) Where the pursuer offers to abandon the action in accordance with paragraph (1), the sheriff clerk shall, subject to the approval of the sheriff, fix the amount of the defender's expenses to be paid by the pursuer in accordance with rule 23.3 and the action must be continued to the first appropriate court occurring not sooner than 14 days after the amount has been fixed.
- (3) If before the continued diet the pursuer makes payment to the defender of the amount fixed under paragraph (2), the sheriff must dismiss the action unless the pursuer consents to absolvitor.
- (4) If before the continued diet the pursuer fails to pay the amount fixed under paragraph (2), the defender shall be entitled to decree of absolvitor with expenses.