

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

CHAPTER 22 DECREE BY DEFAULT

Decree by default

- 22.1.** (1) If, after a proof has been fixed under rule 8.3(3)(d), a party fails to appear at a hearing where required to do so, the sheriff may grant decree by default.
- (2) If all parties fail to appear at a hearing or proof where required to do so, the sheriff must, unless sufficient reason appears to the contrary, dismiss the action and any counterclaim.
- (3) If, after a proof has been fixed under rule 8.3(3)(d), a party fails to implement an order of the court, the sheriff may, after giving him an opportunity to be heard, grant decree by default.
- (4) The sheriff shall not grant decree by default solely on the ground that a party has failed to appear at the hearing of an incidental application.