

SCHEDULE 1

The Simple Procedure Rules

Part 5: How to ask for time to pay

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5.1 What is this Part about?

- (1) This Part is about how the respondent may ask for time to pay if a claim for payment of a sum of money is admitted, and how the claimant can consent or object to that.

5.2 What is an order for time to pay?

- (1) An order for time to pay is an order of the sheriff that the respondent must pay the claimant a sum of money in a particular way, such as by instalments or by a delayed payment.

5.3 How can a respondent ask for time to pay?

- (1) The respondent may ask for time to pay in three ways:

- (a) by completing a Time to Pay Application and sending it to court by the last date for a response,
- (b) by completing a Time to Pay Application and giving it to the sheriff clerk at a discussion in court, case management discussion or a hearing, or
- (c) by completing a Time to Pay Application and sending it to court after the sheriff has made a decision.

5.4 What will the court do with a Time to Pay Application?

- (1) If the respondent sends a Time to Pay Application to the court, the sheriff clerk must send a copy of it to the claimant along with a Time to Pay Notice.

5.5 How can the claimant consent to a Time to Pay Application?

- (1) To consent to a Time to Pay Application, the claimant must indicate consent on the Time to Pay Notice and send it to the court within 2 weeks after the claimant is sent the Time to Pay Notice.
- (2) The sheriff may then grant the Time to Pay Application and decide the case.

5.6 How can the claimant object to a Time to Pay Application?

- (1) To object to a Time to Pay Application, the claimant must indicate objection on the Time to Pay Notice and send it to the court within 2 weeks after the claimant is sent the Time to Pay Notice.
- (2) When the court receives an objection to a Time to Pay Application, the sheriff must give the parties an order arranging a time to pay hearing.
- (3) At a time to pay hearing, the sheriff must decide the case and decide whether to grant or refuse the Time to Pay Application.

5.7 What if the claimant does not consent or object to a Time to Pay Application?

- (1) If the claimant has not consented or objected to a Time to Pay Application within 2 weeks after the claimant is sent the Time to Pay Notice, the sheriff

must decide the case (if the case has not yet been decided) and grant or refuse the Time to Pay Application.