

SCHEDULE 1

The Simple Procedure Rules

Part 9: Applications

- 9.1 [What is this Part about?](#)
- 9.2 [How can a party ask for the progress of a case to be paused?](#)
- 9.3 [What happens if the progress of a case is paused?](#)
- 9.4 [How can a party ask for a paused case to be restarted?](#)
- 9.5 [What can the court do with a paused case?](#)
- 9.6 [How can a person become an additional respondent in a case?](#)
- 9.7 [How can a party ask to amend the Claim Form or the Response Form?](#)
- 9.8 [How can a claimant abandon a claim?](#)
- 9.9 [What can happen if a party dies or becomes legally incapacitated?](#)
- 9.10 [How can a party ask the sheriff to make any other orders?](#)

9.1 What is this Part about?

- (1) This Part is about applications which parties may make to the court to ask for things to be done in a case.

Pausing and restarting cases

9.2 How can a party ask for the progress of a case to be paused?

- (1) A party may apply to have the progress of a case paused by sending the other party an Application to Pause.

- (2) That party must at the same time send the court a copy of the Application to Pause with evidence that it was sent to the other party (for example a postal receipt or a copy of an email).
- (3) The Application to Pause must set out why the progress of a case should be paused.
- (4) If the party who has been sent the Application to Pause objects to having the progress of the case paused, that party must send that Application to Pause to the court within 10 days of it being sent, setting out that objection.
- (5) After considering the Application to Pause, and any objection that may have been sent, the sheriff may do one of three things:
 - (a) grant the application, and pause the progress of the case,
 - (b) refuse the application, and the progress of the case continues, or
 - (c) order both parties to appear at a discussion in court, where the sheriff will consider whether to pause the progress of the case.

9.3 What happens if the progress of a case is paused?

- (1) If the progress of a case is paused, then any discussions or hearings in the case are cancelled and the case will not progress until it is restarted.

9.4 How can a party ask for a paused case to be restarted?

- (1) A party may apply to have a paused case restarted by sending the other party an Application to Restart.
- (2) That party must at the same time send the court a copy of the Application to Restart with evidence that it was sent to the other party (for example a postal receipt or a copy of an email).
- (3) The Application to Restart must set out why the paused case should be restarted.
- (4) If the party who has been sent the Application to Restart objects to having the paused case restarted, that party must send that Application to Restart to the court within 10 days of it being sent, setting out that objection.
- (5) After considering the Application to Restart, and any objection that may have been sent, the sheriff may do one of three things:

- (a) grant the application, and restart the case,
- (b) refuse the application, and the case continues to be paused, or
- (c) order both parties to appear at a discussion in court, where the sheriff will consider whether to restart the case.

9.5 What can the court do with a paused case?

- (1) The sheriff clerk must present to the sheriff a case which has been paused for 6 months or more.
- (2) The sheriff may then send the parties written orders that unless a party (or parties) does something or takes a step, then the sheriff will dismiss the claim.
- (3) If that party (or the parties) does not do the thing or take the step ordered, then the claim must be dismissed.

Miscellaneous applications

9.6 How can a person become an additional respondent in a case?

- (1) A person who is not a respondent may apply to become a respondent in a case by sending an Additional Respondent Application to the court.
- (2) The Additional Respondent Application must set out why that person has an interest in becoming a respondent.
- (3) The Additional Respondent Application must have attached to it a draft Response Form.
- (4) The sheriff may grant the application without a discussion in court, but must order a discussion in court if considering refusing the application.
- (5) If ordering a discussion in court, the sheriff must also order the person wishing to become a respondent to formally serve a copy of the Additional Respondent Application, the draft Response Form and notice of the discussion on all parties.
- (6) If granting the application, the sheriff must give orders that allow the additional respondent to participate in the case as a respondent.

9.7 How can a party ask to amend the Claim Form or the Response Form?

- (1) A claimant may apply to amend a Claim Form by sending the respondent an Application to Amend.
- (2) The claimant must at the same time send the court a copy of the Application to Amend with evidence that it was sent to the respondent (for example a postal receipt or a copy of an email).
- (3) A respondent may apply to amend a Response Form by sending the claimant an Application to Amend.
- (4) The respondent must at the same time send the court a copy of the Application to Amend with evidence that it was sent to the claimant (for example a postal receipt or a copy of an email).
- (5) The Application to Amend must set out why the form should be amended.
- (6) The Application to Amend must set out the proposed amendments.
- (7) If the party who has been sent the Application to Amend objects to the proposed amendments, that party must send that Application to Amend to the court within 10 days of it being sent, setting out that objection.
- (8) After considering the Application to Amend, and any objection that may have been sent, the sheriff may do one of three things:
 - (a) grant the application, and allow the proposed amendments (or some of them),
 - (b) refuse the application, and not allow any amendment, or
 - (c) order both parties to appear at a discussion in court, where the sheriff will consider whether to allow the proposed amendments.

9.8 How can a claimant abandon a claim?

- (1) A claimant may abandon a claim any time before the sheriff decides a case by sending an Abandonment Notice to the respondent.
- (2) That claimant must at the same time send the court a copy of the Abandonment Notice with evidence that it was sent to the respondent (for example a postal receipt or a copy of an email).
- (3) When the court receives the Abandonment Notice, the sheriff must give the parties written orders.
- (4) Those orders may dismiss the claim.

- (5) Those orders may do one of three further things:
 - (a) order that no expenses are to be awarded to any party,
 - (b) order that a sum of money is to be paid to a party or to a party's solicitor, as assessed by the sheriff clerk, or
 - (c) arrange an expenses hearing (see Part 14).

9.9 What can happen if a party dies or becomes legally incapacitated?

- (1) If a party dies or becomes legally incapacitated before a sheriff decides a case, then a person who asserts a right to represent that party or that party's estate may apply to represent that party, by sending an Application to Represent to the other party.
- (2) That person must at the same time send the court a copy of the Application to Represent with evidence that it was sent to other parties (for example a postal receipt or a copy of an email).
- (3) If the party who has been sent the Application to Represent objects to the proposed representation, that party must send that Application to Represent to the court within 10 days of it being sent, setting out that objection.
- (4) After considering the Application to Represent, and any objection that may have been sent, the sheriff may do one of three things:
 - (a) grant the application, and allow the person to represent that party,
 - (b) refuse the application, and not allow the person to represent that party, or
 - (c) order the parties and the person making the application to appear at a discussion in court, where the sheriff will consider whether to allow the person to represent that party.

9.10 How can a party ask the sheriff to make any other orders?

- (1) A party may ask the sheriff to make any other orders by sending an Incidental Orders Application to the other party.
- (2) That party must at the same time send the court a copy of the Incidental Orders Application with evidence that it was sent to the other party (for example a postal receipt or a copy of an email).

- (3) If the party who has been sent the Incidental Orders Application objects to the proposed orders, that party must send that Incidental Orders Application to the court within 10 days of it being sent, setting out that objection.
- (4) After considering the Incidental Orders Application, and any objection that may have been sent, the sheriff may do one of three things:
 - (a) grant the application, and send written orders to the parties,
 - (b) refuse the application, and make no orders, or
 - (c) order the parties to appear at a discussion in court, where the sheriff will consider whether to make any orders.