

SCHEDULE 1

## The Simple Procedure Rules

### Part 18: Formal service in Scotland

**18.1** [What is this Part about?](#)

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**18.3** [What if service by post does not work?](#)

**18.1 What is this Part about?**

- (1) This Part is about how to formally serve a document on someone living in Scotland.

**18.2 How can you formally serve a document on someone who lives in Scotland?**

- (1) When these Rules require a document to be formally served, the first attempt must be by a next-day postal service which records delivery.
- (2) That may only be done by one of three persons:
- (a) the party's solicitor,
  - (b) a sheriff officer instructed by the party,
  - (c) the sheriff clerk (where provided for by rule 6.11(2)).
- (3) The envelope which contains the document must have the following label written or printed on it:

**THIS ENVELOPE CONTAINS A [NAME OF DOCUMENT] FROM  
[NAME OF SHERIFF COURT]**

**IF DELIVERY CANNOT BE MADE, THE LETTER MUST BE  
RETURNED TO THE SHERIFF CLERK AT**

**[FULL ADDRESS OF SHERIFF COURT]**

- (4) After formally serving a document, a Confirmation of Formal Service must be completed and any evidence of delivery attached to it.
- (5) Where a solicitor or sheriff officer has formally served the document, then the Confirmation of Formal Service must be sent to the sheriff court within one week of service taking place.

### **18.3 What if service by post does not work?**

- (1) If service by post has not worked, a sheriff officer may formally serve a document in one of three ways:
  - (a) delivering it personally,
  - (b) leaving it in the hands of a resident at the person's home,
  - (c) leaving it in the hands of an employee at the person's place of business.
- (2) If none of those ways has worked, the sheriff officer must make diligent inquiries about the person's whereabouts and current residence, and may then formally serve the document in one of two ways:
  - (a) depositing it in the person's home or place of business by means of a letter box or other lawful way of doing so, or
  - (b) leaving it at the person's home or place of business in such a way that it is likely to come to the attention of that person.
- (3) If formal service is done in either of those ways, the sheriff officer must also do two more things:
  - (a) send a copy of the document to the person by post to the address at which the sheriff officer thinks the person is most likely to be found, and

- (b) write or print on the envelope containing the document the following label:

**THIS ENVELOPE CONTAINS A [NAME OF DOCUMENT] FROM  
[NAME OF SHERIFF COURT]**