# The Simple Procedure Order of the Sheriff

Special order to recover documents

This is an order of the sheriff in a case which you are a party in. You should **read it** and **follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

**Sheriff Court:**

**Address:**

**Date of order:**

**Claimant:**

**Respondent:**

**Case reference number:**

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The court has received a Special Recovery of Documents Application.

The sheriff has considered the Application and has **given the following orders:-**

**Special order to recover documents**

[*This order can be used where the sheriff has decided to grant the application (in whole or in part) without a discussion in court*]

The sheriff **grants commission** to _____ , solicitor,

_____

('the commissioner') to recover the documents mentioned in column 1 from the person mentioned in column 2.

| Column 1 | Column 2 |
|---|---|
| *Description of document* | *Name of person who has the document* |
|  |  |
|  |  |
|  |  |
|  |  |

The sheriff also **appoints** the commissioner to send a report to the court, together with any documents recovered, as soon as possible.

**Refusal of Special Recovery of Documents Application**

[*This order can be used where the sheriff has decided to refuse the application without a discussion in court*]

The sheriff **refuses to make** a special order to recover documents.

**Discussion in court**

[*This order can be used where the sheriff has decided that a discussion in court is necessary to decide the application*]

The sheriff wants to hear from both parties before deciding whether to make a special order to recover documents.

Both parties are **ordered** to attend a discussion at _____

on _____ at _____ .
Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether a special order to recover documents should be made. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

**Signed by:**

Sheriff of [sheriffdom] at [sheriff court]

V1.0