

ANNEX B CONSULTATION QUESTIONNAIRE

Consultation question 1

Do you have any comments on the way in which a claim is made using simple procedure or the forms associated with this stage?

<p>Comments</p> <p>The forms still require to be printed and lodged manually as it is not yet possible to do them by way of the portal.</p> <p>With the respondents name on page 3, address on page 4 and claim amount on page 7, it would be helpful if the claim form 3A contained a front summary page with the amount claimed for, and the claimant and respondents details. This would promptly bring the respondent's attention to the details of the claim.</p>
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Consultation question 2

Do you have any comments on responding to a claim, the way in which time to pay may be requested or the corresponding forms?

<p>Comments</p> <p>The form 5A time to pay application and form 4A response form should be on 1 form. There are 13 pages in total between 2 the forms, which we consider is too many and confusing for the respondent.</p>
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Consultation question 3

Do you have any comments in relation to the ways in which forms and documents may be sent or formally served in a simple procedure case?

<p>Comments</p> <p>Service by email where possible would be a way forward and move with the times electronically.</p> <p>It is also considered that letterbox service by normal post should be sufficient</p>

Consultation question 4

Do you have any comments on what can happen to a case after the last date for a response, or the Application for a Decision Form?

<p>Comments</p> <p>The current procedure for an Application for a Decision seems to work well.</p>
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Consultation question 5

Do you have any comments on the way in which applications can be made in simple procedure, including any of the prescribed forms?

Comments

There are too many prescribed forms. Where time to pay is applicable there are a total of 28 pages which require to be served on the respondent.

In our opinion there are simply too many forms.

Consultation question 6

Do you have any comments on documents, evidence or witnesses, or the forms associated with Parts 10 and 11?

Comments

Parts 10 and 11 are straightforward enough, however it would be helpful if there was additional space for further items on forms 10A and 11A.

Also if making later addition to either lists then you need to do another form 10A or 11A, which could cause duplication in the inventory of productions.

Consultation question 7

Do you have comments on the rules and forms relating to hearings and decisions, including the recall of a decision?

<p>Comments</p> <p>No difficulty has been experienced with the forms relating to hearing and decisions or with the recall of a decision rules.</p> <p>We have however experienced having more than one CMD being set down with still further continuations thereafter. We consider this to be counter-productive and it highlights how important it is for the Sheriff to case manage effectively if the Procedure is to be successful.</p>

Consultation question 8

Do you have any comment on any other aspect of the Simple Procedure Rules, or any general comments about the rules or forms?

<p>Comments</p> <p>There are too many forms and the rules have been over simplified compared with Small Claim/Summary Cause rules.</p> <p>The number of CMD's allowed should be restricted and also continuations after a Hearing.</p> <p>Again this seems to highlight the importance of the role of the Sheriff in effective case management.</p>
