

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?

Comments

We believe that the form 3A could be improved. It is particularly difficult to identify the sum claimed as this is contained several pages into the form. We would suggest that the first page of the claim form clearly narrates details of the Claimant, Respondent, Court and sum sued for. We would also suggest that section D2 has a clearer statement about jurisdiction. It would also be helpful if section A in form 6A contained a line indicating the sum sued for.

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?

Comments

We have no additional comments.

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>We are of the view that when formal service is effected by Sheriff Officer by depositing the requirement to send a further copy of the forms by first class post is unnecessary and should be removed.</p> <p>The fact that service has been effected by a commissioned officer of the court should be sufficient particularly as the officer will have undertaken enquires to confirm residence before effecting formal service.</p> <p>This also has a significant environmental impact given the unnecessary duplication of paper. It is noted that Simple Procedure Claims together with the attendant forms can be of considerable volume.</p> <p>This duplication is also confusing to claimants in our experience.</p> <p>We also note that the rules for service in the Court of Session Rules, form matters which are arguably more serious, do not contain a similar provision.</p>
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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?

Comments

We have no additional comments.

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

We have no additional comments.

Consultation question 6

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

Comments We have no additional comments.

Consultation question 7

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

Comments We have no additional comments.

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?

Comments

We note that there is no way for Sheriff Officers to submit electronically or through the case management system a Confirmation of Formal Service. This makes in practice compliance with rule 19.3(10) difficult to achieve.