



FORM 1a

OFFICIAL USE ONLY
SUMMONS No.

Summary Cause Summons

Action for/of

(state type, e.g. payment of money)

DEFENDER'S COPY: Claim for or including payment of money (where time to pay direction or time order may be applied for)

Sheriff Court
(name, address, e-mail
and telephone no.)

1 **The court where your case is due to be heard**

Name and address
of person raising
the action (**pursuer**)

2 **Your landlord's name and address**

Name and address of
person against whom
action raised (**defender,**
arrestee, etc.)

3 **Your name and address**

Name(s) and address(es)
of any interested party
(e.g. connected person)

3a

Claim (form of decree or
other order sought)

4 **This part tells you what the landlord wants the sheriff to agree to.
Read our section on legal terms if you do not understand what it
says**

Name, full address,
telephone no, and e-mail
address of pursuer's
solicitor or
representative (if any)
acting in the case

5 **The name and address of the solicitors representing your landlord**

6 **RETURN DAY You must reply to the court before this date**

**CALLING DATE This is the date and time your case will be heard
in court**

NOTE: You will find details of claim on page 2.

**7. STATEMENT OF CLAIM
PARTICULARS OF ARRESTMENT (forthcoming actions only)
(To be completed by the pursuer. If space is insufficient, a separate sheet may be attached)**

The details of the claim are:

This section will tell you why your landlord is taking legal action

8. SERVICE ON DEFENDER

(Place)

(Date)

To: Your name

(defender)

You are hereby served with a copy of the above summons.

Solicitor / sheriff officer
delete as appropriate

NOTE: The pursuer should complete boxes 1 to 6 on page 1, the statement of claim in box 7 on page 2 and section A on page 5 before service on the defender. The person serving the Summons will complete box 8.

WHAT MUST I DO ABOUT THIS SUMMONS?

Decide whether you wish to dispute the claim, admit any liability for the claim and whether you owe any money or not, and how you wish to proceed. Then, look at the 4 options listed below. Find the one which covers your decision and follow the instructions given there. You will find the RETURN DAY and the CALLING DATE on page one of the summons.

Written guidance on summary cause procedure can be obtained from the sheriff clerk at any sheriff clerk's office. Advice can also be obtained by contacting any of the following:

Citizen's Advice Bureau, Consumer Advice Centre, Trading Standards or Consumer Protection Department or a solicitor. (Addresses can be found in the guidance booklets.)

OPTIONS

1. ADMIT LIABILITY FOR THE CLAIM and settle it with the pursuer now.

If you wish to avoid the possibility of a court order passing against you, you should settle the claim (including any question of expenses) with pursuer or his representative **in good time before the return day**. Please do not send any payment direct to the court. Any payment should be made to the pursuer or his representative.

2. ADMIT LIABILITY FOR THE CLAIM and make written application to pay by instalments or by deferred lump sum.

Complete Box 1 of section B on page 5 of this form and return pages 5 and 7 to the court **to arrive on or before the return day**. You should then contact the court to find out whether or not the pursuer has accepted your offer. If he has not accepted it, the case will then call in court on the calling date, when the court will decide how the amount claimed is to be paid.

NOTE: If you fail to return pages 5 and 7 as directed, or if, having returned them, you fail to attend or are not represented at the calling date if the case is to call, the court will almost certainly decide the claim in your absence.

3. ADMIT LIABILITY FOR THE CLAIM and attend at court to make application to pay by instalments or deferred lump sum.

Complete Box 2 on page 5. Return page 5 to the court so that it arrives **on or before the return day**.

You must attend personally, or be represented, at court on the calling date. Your representative may be a Solicitor, or someone else having your authority. It may be helpful if you or your representative bring pages 1 and 2 of this form to the court.

NOTE: If you fail to return page 5 as directed, or if, having returned it, you fail to attend or are not represented at the calling date, the court will almost certainly decide the claim in your absence.

4. DISPUTE THE CLAIM and attend at court to do any of the following:

- Challenge the jurisdiction of the court or the competency of the action
- Defend the action (whether as regards the sum claimed or otherwise)
- State a counterclaim

Complete Box 3 on page 5. Return page 5 to the court so that it arrives **on or before the return day**. **You must attend personally, or be represented, at court on the calling date.**

Your representative may be a solicitor, or someone else having your authority. It may be helpful if you or your representative bring pages 1 and 2 of this form to the court.

NOTE: If you fail to return page 5 as directed, or if, having returned it, you fail to attend or are not represented at the calling date, the court will almost certainly decide the claim in your absence.

WRITTEN NOTE OF PROPOSED DEFENCE

You must send to the court by the return day a written note of any proposed defence, or intimate that you intend to dispute the sum claimed or wish to dispute the court's jurisdiction. You must also attend or be represented at court on the calling date.

PLEASE NOTE

If you do nothing about this summons, the court will almost certainly, where appropriate, grant decree against you and order you to pay the pursuer the sum claimed, including any interest and expenses found due.

YOU ARE ADVISED TO KEEP PAGES 1 AND 2, AS THEY MAY BE USEFUL AT A LATER STAGE OF THE CASE.

SECTION A

This section must be completed before service

This section should be filled in before you receive the summons

Summons No
Return Day
Calling Date

SHERIFF COURT (Including address)

PURSUER'S FULL NAME AND ADDRESS

DEFENDER'S FULL NAME AND ADDRESS

SECTION B

DEFENDER'S RESPONSE TO THE SUMMONS

**** Delete those boxes which do not apply**

****Box 1**

<p>ADMIT LIABILITY FOR THE CLAIM and make <u>written</u> application to pay by instalments or by <u>deferred</u> lump sum.</p> <p>I do not intend to defend the case but admit liability for the claim.</p> <p>I wish to make a written application about payment.</p> <p>I have completed the application form on page 7.</p>

****Box 2**

<p>ADMIT LIABILITY FOR THE CLAIM and <u>attend at court</u> to make application to pay by instalments or deferred lump sum.</p> <p>I admit liability for the claim.</p> <p>I intend to appear or be represented at court on the calling date.</p>

****Box 3**

<p>DISPUTE THE CLAIM (or the amount due) and attend at court</p> <p>* I intend to challenge the jurisdiction of the court.</p> <p>* I intend to challenge the competency of the action.</p> <p>* I intend to defend the action.</p> <p>* I wish to dispute the amount due only.</p> <p>* I apply for warrant to serve a third party notice (see page 8).</p> <p>I intend to appear or be represented in court on the calling date.</p> <p style="text-align: center;">-----</p> <p>*I attach a note of my proposed defence/counterclaim.</p> <p style="text-align: center;">OR</p> <p>* I return form 10b (personal injury cases only).</p> <p><i>* delete as necessary</i></p>

WRITTEN NOTE OF PROPOSED DEFENCE / COUNTERCLAIM

State which facts in the statement of claim are admitted:

This is where you write your side of the case. You should seek advice before completing this section but remember that it is important to return the form before the return date

State briefly any facts regarding the circumstances of the claim on which you intend to rely:

For example, if you have rent arrears because you have claimed housing benefit and your claim has not been processed yet, you would state the date you handed your claim form in to the council and provide details of any attempts you have made to chase this up since then

State details of counterclaim, if any:

If you want to look at a complaint that you have about your landlord you can put the details here

PLEASE REMEMBER: You must send your response to the court to **arrive on or before the return day** if you have completed a response in Section B. If you have admitted the claim, please do not send any payment direct to the court. **Any payments you wish to make should be made to the pursuer or his solicitor.**

If you owe money and want to pay in instalments or in a lump sum at a later date, complete this form. You should seek advice first

APPLICATION IN WRITING FOR A TIME TO PAY DIRECTION
 UNDER THE DEBTORS (SCOTLAND) ACT 1987 OR A TIME ORDER
 UNDER THE CONSUMER CREDIT ACT 1974

I WISH TO APPLY FOR A* TIME TO PAY DIRECTION/TIME ORDER

* delete whichever does not apply

I admit the claim and make application to pay as follows:

(1) by instalments of £ _____ per *week / fortnight / month

OR

(2) In one payment within _____ *weeks / months from the date of the court order

To help the court please provide details of your financial position in the boxes below

***Please also indicate whether payments/receipts are weekly, fortnightly or monthly**

My outgoings are:	*Weekly / fortnightly / monthly
Rent/Mortgage	£
Council Tax	£
Gas/Electricity etc	£
Food	£
Loans and Credit Agreements	£
Other	£

My income is	*Weekly / fortnightly / monthly
Wages/Pensions	£
Social Security	£
Other	£

Number of Dependent Children

Number of Dependent Relatives

Please list details of all capital held. e.g. value of house; amount in savings account, shares or other investments:

Notes: TIME TO PAY DIRECTIONS AND TIME ORDERS

(1) Time to pay directions

The Debtors (Scotland) Act 1987 gives you the right to apply to the court for a ‘time to pay direction’. This is an order which allows you to pay any sum which the court orders you to pay either in instalments or by deferred lump sum. A ‘deferred lump sum’ means that you will be ordered by the court to pay the whole amount at one time within a period which the court will specify.

If the court makes a time to pay direction it may also recall or restrict any arrestment made on your property by the pursuer in connection with the action or debt (for example, your bank account may have been frozen).

No court fee is payable when making an application for a time to pay direction.

If a time to pay direction is made, a copy of the court order (called an extract decree) will be sent to you by the pursuer telling you when payment should start or when it is you have to pay the lump sum.

If a time to pay direction is not made, and an order for immediate payment is made against you, an order to pay (called a charge) may be served on you if you do not pay.

(2) Time Orders

The Consumer Credit Act 1974 allows you to apply to the court for a 'time order' during a court action. A time order is similar to a time to pay direction, but can only be applied for in certain circumstances, e.g., in relation to certain types of credit agreement. Payment under a time order can only be made by instalments, so that you cannot apply to pay by deferred lump sum.

***APPLICATION FOR RECALL OR RESTRICTION OF AN ARRESTMENT**

I seek the recall or restriction of the arrestment of which the details are as follows:-

Date:

**Delete if inapplicable*

APPLICATION FOR SERVICE OF A THIRD PARTY NOTICE

NOTE:

You can apply to have another party added to the action if:

(A) You think that, as regards the matter which the action is about, that other party has a duty to:

1. Indemnify you; or
2. Make a contribution in respect of the matter; or
3. Relieve you from any responsibility as regards it.

or

(B) **You think that other party is:**

1. Solely liable to the pursuer; or
2. Liable to the pursuer along with you; or
3. Has a liability to you as a result of the pursuer's claim against you.

You may apply for warrant to found jurisdiction or to arrest on the dependence of the action if you wish to do so.

FORM OF APPLICATION

(TO BE RETURNED TO THE COURT ALONG WITH YOUR RESPONSE)

I request the court to grant warrant for service of a third party notice on the following party:

Name :

Address :

The reason I wish a third party notice to be served on the party mentioned above is as follows:
(Give details below of the reasons why you wish the party to be made a defender in the action.)

* I apply for warrant to arrest on the dependence/to found jurisdiction

* **delete as appropriate**

Date :