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# DISCLAIMER

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# Simple Procedure

# *What is Simple Procedure?*

- ▶ Simple Procedure replaced the Small Claims procedure in November 2016.
- ▶ It is an inexpensive and informal way to resolve disputes.
- ▶ You can use Simple Procedure to claim for:
  - ▶ A payment of a sum of money £5000 or less,
  - ▶ Delivery or recovery of possession of moveable property where there is a claim for £5000 or less, and
  - ▶ An order to make someone do something specific but only where there is a claim for £5000 or less.
- ▶ Simple Procedure cannot be used where there is no alternative claim for a sum of money. This means in order to apply for removal or delivery of property, there has to be sum tied to this.
- ▶ If the value you are claiming for is over £5000, you should use Ordinary Cause Procedure.

# *Making a Claim*



Before making a claim, you should first try to resolve your dispute. You can do this through communicating with the person or company you are in dispute with or by using Alternative Dispute Resolution [ADR].



It is suggested that you consider before making a claim the likelihood of success with your claim to ensure you are able to afford any costs incurred and if the person or company you are claiming against is able to pay.



You can make a claim online using CivilOnline on the ScotCourts Website [here](#).



You may also download and print Form 3A and post this to the relevant Sheriff Court. You can find the relevant forms [here](#).



There is a fee for submitting a claim however you should check if you are entitled to a fee exception. You can download the fee exemption application form [here](#).

# Using CivilOnline

CivilOnline can be used to make or respond to Simple Procedure claims and you can track the process of your case and submit documents on this gateway.

To use CivilOnline, it will ask you to identify which best describes your involvement in the case. You can register as the claimant [if you have made the claim], the respondent [if you are responding to a claim made against you], a lay representative [a representative of a party who is not legally qualified] or a legal representative [a representative of a party who is a solicitor, advocate, trainee solicitor or otherwise legally qualified].

CivilOnline will take you step by step through the relevant forms. There is also a help button if you need additional guidance.



# Fees

- ▶ For a Simple Procedure Claim Form in an action where the amount sought is under £300, the fee is £19.
- ▶ For any action where the amount sought is over £300, the fee is £106.
- ▶ There are additional fees for making an appeal and for service of summons or claim form by a Sheriff Officer.
- ▶ You may be entitled to fee exceptions in certain circumstances. You can find the criteria for fee exemption at <https://www.scotcourts.gov.uk/taking-action/court-fees>.

# Expenses

- ▶ Expenses may be awarded, however there are rules based on how much the value of the claim is. If the claim is:
  - ▶ Up to £300 = no expenses can be awarded
  - ▶ Between £300 to £1,500 = expenses can be awarded not exceeding £150
  - ▶ Between £1,500 to £3,000 = expenses can be awarded not exceeding 10% of claim value
  - ▶ £3,000+ = the Sheriff will decide if expenses can be awarded and will calculate the cost based on work done for the process of the case.

# Attending court

- ▶ You may not have to attend court if the respondent does not send a response form, the claim is settled, or payment terms have been agreed.
- ▶ However, you may need to attend a court if there is a dispute over the amount the claimant is claiming for, the respondent wishes to defend the claim or if the sheriff or summary sheriff wishes to have a discussion over certain matters of the claim.
- ▶ If you are required to attend court, you will be notified of the reasons why and the date and time of the hearing.
- ▶ If you wish, you can appoint someone as your representative. They can either be a lay representative [not legally qualified] or a legal representative [such as a solicitor or advocate].

# Simple Procedure rules

It is recommended that you familiarise yourself with the Simple Procedure Rules and Guidelines. These rules provide the correct procedures and explanations of the process.

These rules can be found [here](#).

# Simple Procedure forms

- ▶ All Simple Procedure forms are available [here](#).
- ▶ These can be downloaded and completed electronically or printed and posted to the Sheriff Court.
- ▶ If your text exceeds the room given in the textbox you should use a ‘paper apart’. This means that you should write in the box “see paper apart”, use another sheet of paper which should be headed with the correct box/question number from the form and either attached to the printed form or uploaded in CivilOnline at the relevant stage.

# Responding to a claim



If a claim has been made against you, you will receive a copy of the claim form with a response form. The claim form will detail the claim against you.



If you wish to dispute the claim or admit liability for the claim and ask for time to pay or settle the claim, you should complete the response form [[Form 4A](#)].



You can respond online or by post.



You should make sure the claimant receives a copy of your response. If the claimant has indicated on the form that they are happy for the courts to deal with this, you will not have to do anything. If it is not indicated, you should post a copy to the claimant.

# Further advice

- ▶ You can find more information about using Simple Procedure at: [Citizens Advice](#)