



FORM 4A

The Simple Procedure Response Form

Sheriff Court

Claimant

Respondent

Case reference number
(to be added by the court)

The Simple Procedure is a speedy, inexpensive and informal court procedure for settling or determining disputes with a value of **£5,000 or less**.

A court claim has been raised against you under the Simple Procedure. You have been formally served with a Claim Form setting out the claim made against you.

You can respond to this claim online using Civil Online portal on the Scottish Courts and Tribunals Service website (www.scotcourts.gov.uk/taking-action/simple-procedure/civil-online).

You may need to take further steps to send a copy to the claimant – Please read Part 4 of the Simple Procedure Rules.

Please note that **if you do nothing**, the court will almost certainly, if appropriate, award the claim to the claimant and order you to make a payment, including interest and expenses.

What should you do next?

You should read the completed Claim Form carefully. It sets out the claim being made against you, including the identity of the claimant, what the claimant says happened and what the claimant would like from you if the claim is successful.

You should also read the Timetable. It sets out the last date for a response. This is the date by which you must: (a) send a Response Form to the court and claimant, or (b) if you want to admit the claim and ask for time to pay, send a Time to Pay Application to the court. Only an individual (not a company or another type of organisation) may ask for time to pay.

The Simple Procedure Rules should be read alongside this form. They can be found on the Scottish Courts and Tribunals Service website. Please **read the whole Response Form** before beginning to complete it. There are guidance notes for each part of the form.

What help is available?

If you need help to decide how to respond to the claim, how to complete this Response Form or help by representing you in court, you should contact a solicitor, the Citizens Advice Bureau or another advocacy or advice organisation.

A. ABOUT YOU

(i) In Simple Procedure, the person making the claim is known as the claimant. You, the person the claim is being made against, are known as the respondent.

(j) Set out information about you, so that the court knows who you are and how to contact you.

A1. Are you an individual, a company or an organisation?

An individual (including a sole trader) (please complete A2)

A company or organisation (please complete A3)

A2. What is your full name?

Name

Middle name (if any)

Surname

Trading name or
representative capacity
(if any)

A3. What is the name of the company or organisation?

Name

Company registration
number (if limited
company or LLP)

Trading name (if any)

A4. What are your contact details?

Address

City

Postcode

Email address

A5. How would you prefer the court and the claimant to contact you?

Online (i.e. via the civil online portal)

By post

By email

B. ABOUT YOUR REPRESENTATION

- ① Set out information about how you will be represented.
- ① If you are represented by a non-solicitor, please also complete a Lay Representation Form and send it to the court along with this Response Form.

B1. How will you be represented during this case?

I will represent myself

I will be represented by a solicitor

I will be represented by a non-solicitor (e.g. a family member, friend, or someone from an advice or advocacy organisation)

B2. Who is your representative?

- ① If a family member or friend, give their full name. If someone from an advice or advocacy organisation, also give the name of that organisation.

Name

Surname

Organisation/
Firm name

B3. What are the contact details of your representative?

- ① If your representative works for a solicitors' firm or an advocacy organisation, please give the address of that firm or organisation.

Address

City

Postcode

Email address

B4. Would you like us to contact you through your representative?

- ① If you select 'yes', the court will send orders and information in this case to your representative.

Yes

No

B5. How would your representative prefer the court to contact them?

Online (i.e. via the civil online portal)

By post

By email

C. YOUR RESPONSE TO THE CLAIM

- ① You should decide now how you intend to respond to this claim. There are three options.
- ① You should follow the instructions for the option you choose.

C1. I want to admit the claim and settle it before the last date for a response.

- ① You should select this option if you accept the claim against you is correct and you are able to settle it with the claimant. You do not need to complete Part D.
- ① You should send this Response Form to the court and to the claimant. You should settle the claim with the claimant by the last date for a response.

C2. I want to dispute the claim or part of the claim.

- ① You should select this option if you want to:
 - argue that the court does not have jurisdiction, or
 - dispute the claim or the amount that is being claimed.

- ① You should complete this Response Form and send it to the court and claimant by the last date for a response. The sheriff will send orders telling you how to proceed.

C3. I want to admit the claim and seek time to pay the money.

- ① You should complete a Time to Pay Application and send it to the court (See Part 5 of the Simple Procedure Rules).

D. ABOUT YOUR RESPONSE

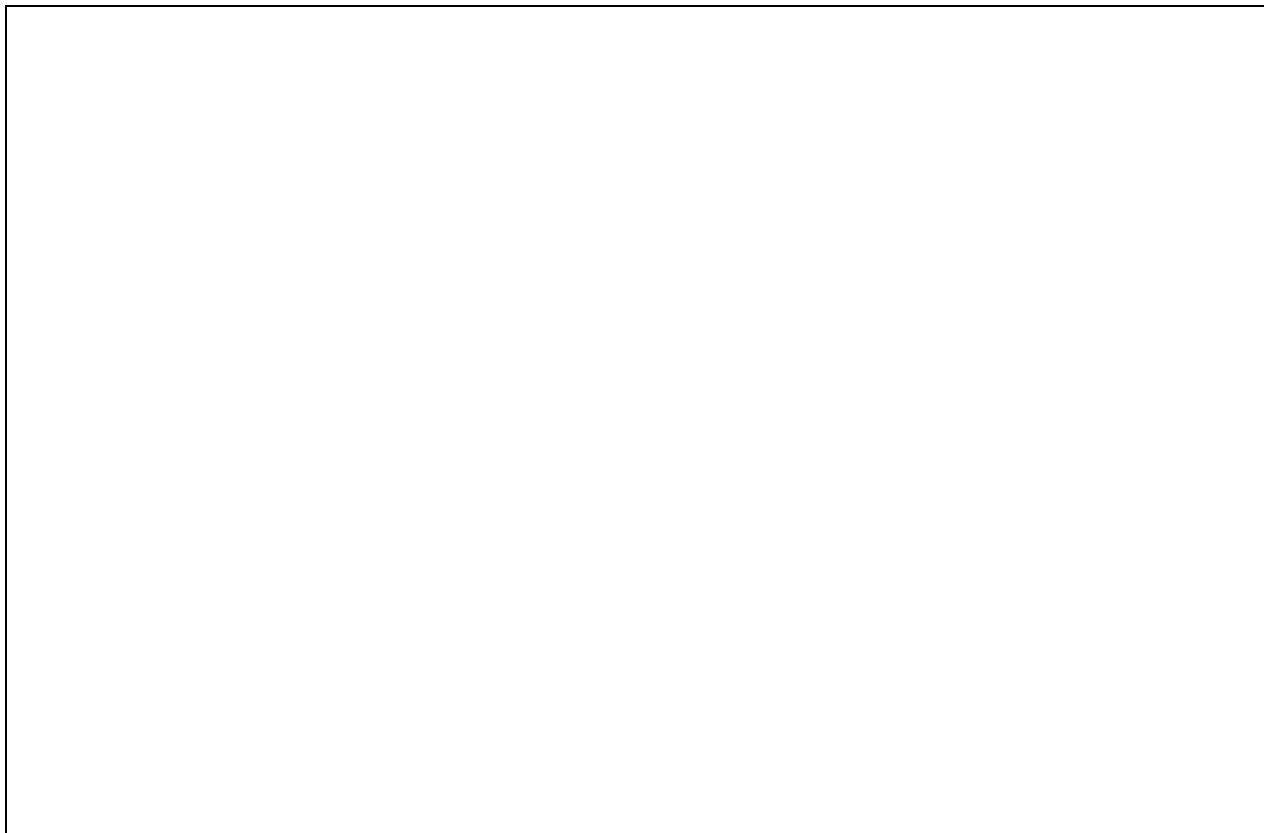
D1. What is the background to this claim?

① In this part, you should set out the essential factual background to the claim. The claimant has set out their understanding in section E1 of the Claim Form.

① You should set out anything in section E1 of the Claim Form which you disagree with.

① For example, you should include:

- key dates,
- if there was an agreement, what was agreed,
- when you became aware of the problem or dispute,
- whether any payments have been made so far and, if so, what,
- whether any services have been provided so far and, if so, what,
- why the claim should not be successful.



① If this is insufficient space to describe the background, you may use another sheet of paper, which must be headed 'D1' and must be attached to the Response Form.

D2. What steps have you taken, if any, to try to settle the dispute with the claimant?

- ① It is an important principle of Simple Procedure that parties should be encouraged to settle their disputes by negotiation, where possible.
- ① The court will use this information to assess whether more negotiation would help you and the claimant settle your dispute.

D3. Are there any additional respondents you think should be responding to this claim?

- ① You should complete this section if you think that:
 - you have a right of contribution, relief or indemnity against someone who is already a respondent,
 - someone else should be made a respondent in this claim, as they are solely, jointly, or jointly and severally liable with you for the claim made against you,
 - someone else should be made a respondent in this claim as they are liable to you for the claim made against you.
- ① If you complete this section then the court may order you to formally serve the Claim Form and the Response Form on any additional respondents.

Yes (please complete D4)

No

D4. Which additional respondents do you think should be responding to this claim?

(i) Set out below the full names and addresses of any additional respondents you think should be responding to the claim made against you.

(i) Set out the reasons why each person should be an additional respondent to the claim.

1. [Name]

[Address]

[Reasons why this person should be an additional respondent]

2. [Name]

[Address]

[Reasons why this person should be an additional respondent]

[...]

D5. If you have indicated that there should be additional respondents, would you like the court to formally serve the Claim Form and Response Form on your behalf?

(i) The court cannot formally serve documents for you if you are a company or if you are represented by a solicitor. You will have to arrange formal service yourself.

Yes

No

E. WHAT SHOULD YOU DO NOW

1	Once you have completed this form, you should check the form.
2	If you are happy with what you have said in this form, send one copy to the sheriff court <u>and</u> one copy to the claimant by the last date for a response . You may also respond via the civil online portal but you may require to take additional steps to send a copy to the claimant – see Part 4 of the Simple Procedure Rules.
3	If you do this and dispute the claim, the sheriff will consider the claim and response. The sheriff will then send the parties first written orders in the case.

PLEASE CHECK THIS FORM BEFORE SENDING IT.