

Subject: RE: Small Claims procedure
From: "Tain" <Tain@scotcourts.gov.uk>
To: "Crete Complete Property" <info@crete-perfect-home.com>

Mr. Simon, thank you for your e-mail.

I will endeavour to answer your various points; however, I would point out that I can only advise on matters of Scots Legal Procedure. I am not qualified to give Legal advice, and I am not qualified to advise on any procedures furth of Scotland.

a) I can advise that this Court would have jurisdiction to hear an action for payment against a Defender based in Ardrross. I have no idea if there is a procedure under English Law whereby a Court in London would have jurisdiction to hear the case.

b) You could limit your claim to a lesser amount if so minded, however, you could not raise further proceedings for the balance of the claim. *i.e.* You could only properly raise one claim in respect of one order/transaction.

c) If the action was defended, then no. If the action is not defended and the case decided in absence, then there would be no need for anyone to attend Court, as the case would never call in Court.

If the action is defended, then the case will call in Court on at least one, most likely a minimum of two, occasions. There are also Rules as regards "lay representation" *i.e.* Representation of a party by someone who is not a practicing Solicitor.

d) I do not think so, however, this is a question more properly addressed to a Solicitor.

I hope this goes some way to answering your queries.

There are various leaflets and publications relating to the Small Claim procedure. These are available on the Scottish Courts website.
www.scotcourts.gov.uk

Regards
Ken Kerr, Sheriff Clerk Depute