

## Checklist: Things to do if you're taking someone to court using the small claims procedure

Here's a list of things you'll have to do if you're going down that route.

### Have you:-

- Tried other ways of sorting out the problem (e.g. negotiation)?
- Obtained legal advice to find out your options?
- Obtained a fee quote if a solicitor (or another professional) will be representing you in court?
- Found out which sheriff court will deal with your case?
- Double-checked the court fees and set money aside to pay for these?
- Picked up the correct copy of the summons form including:-
  - Part 1 (the principal summons) and either
  - Part 1a (the copy summons for individuals) or
  - Part 1b (copy summons for companies/other organisations)
- Filled in sections 1-7 on the principal summons (or checked they're correct if already filled in)
- Inserted the appropriate rate of interest on the summons (or deleted this if appropriate)?
- Inserted the date from which interest will run on the principal summons (or deleted this if appropriate)?
- Lodged the principal summons with the sheriff clerks' office?
- Filled in the correct copy summons (including the **return date** and **hearing date** from the principal summons)?
- Arranged for the copy summons to be served on your opponent?
- Received confirmation of service from the court/post office/sheriff officers as appropriate?
- If you are arranging for service, made sure that the summons has been returned to the court by the **return date**?
- If service is by newspaper, paid for the advert and lodged a copy of the newspaper with the court?
- If service is by a notice in the court building, filled in a form 9 notice as well?
- Lodged any other relevant documents or evidence with the court by the appropriate date?

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If you're not sure what to do at any stage, get in touch with the sheriff clerk in the court that's dealing with your case urgently. It's better to ask questions as soon as possible than to get it wrong. The sheriff clerk will be able to tell you what to do in the circumstances. You can find contact details for all sheriff courts in Scotland by going to [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk).

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- Put the hearing date **in your diary** so you won't forget when to turn up at court!

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