

SHERIFFDOM OF GLASGOW & STRATHKELVIN

Practice Note number 2, 2013

EXTRACT DECREES IN APPLICATIONS FOR ENFORCEMENT OF SECURITIES OVER RESIDENTIAL HERITABLE PROPERTY

GUIDANCE FOR SHERIFFS AND PRACTITIONERS

Purpose

1. The purpose of this practice note is to secure the efficient issuing of extract decrees in applications for enforcement of security over residential property within the meaning of rule 3.4.1 of the Act of Sederunt (Sheriff Court Rules) (Enforcement of Securities over Heritable Property) 2010 (SSI 2010/324).

Commencement

2. This Practice Note applies to all applications lodged or proceedings commenced on or after 3 June 2013.
3. Craves in such actions are, necessarily, of unusual length thereby imposing a considerable burden on the sheriff clerks in the preparation of extract decrees. That burden is considerably reduced if, in the preparation of any extract, the sheriff clerks have available to them a copy of the crave of the application in electronic format. Efforts to obtain electronic versions of craves from pursuer's solicitors on a voluntary basis have met with limited success.
4. Accordingly, seven days prior to the hearing appointed by the sheriff in terms of rule 3.4.4 of the said Act of Sederunt, the solicitor for the pursuer shall email the sheriff clerk with an electronic copy of the crave as it appears in the initial writ in a format which will permit changes and will not be "read only".

5. At the rule 3.4.4 hearing or any subsequent hearing prior to granting decree, the sheriff shall enquire whether there has been compliance with the requirement to provide an electronic copy of the crave. In the event of a failure to comply, before granting decree the sheriff shall consider whether (a) to require a suitable undertaking from the pursuer's solicitors that they will comply within seven days or (b) to continue consideration of any motion for decree for a period to allow for compliance.



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Sheriff Principal of Glasgow and Strathkelvin

GLASGOW, 28 MAY 2013