

CHAPTER 15

APPLICATIONS BY MINUTE OR NOTE

Applications by minute

15.1.-(1) Subject to paragraph (6) and to any other provision in these Rules, this rule applies to any application to the court by minute in a cause.

(2) A minute shall-

- (a) include a crave, a statement of facts and appropriate pleas-in-law; and
- (b) be lodged in the process of the cause to which it relates.

(3) On lodging a minute, the minuter shall enrol a motion, as appropriate

- (a) for a warrant for service of the minute on a person who has not entered the process of the cause;
- (b) where the cause is not a depending cause, for service of the minute on parties to that cause;
- (c) for intimation of the minute to any person;
- (d) to dispense with service on, or intimation to, a person; and
- (e) for an order for any answers to the minute to be lodged in process within the period of notice.

(4) A notice in Form 15.1 shall be attached to the minute to be served or intimated under paragraph (3).

(5) After the expiry of the period of notice, the court shall, on the motion of any party, after such further procedure, if any, as it thinks fit, determine the application.

(6) This rule shall not apply to-

- (a) minute of abandonment;
- (b) a minute of amendment;
- (c) a minute of sist;
- (d) a minute of transference;
- (e) a minute of objection to a minute of transference; or
- (f) a minute to dismiss a claim under rule 21A.

Applications by note

15.2.-(1) Subject to paragraph (4) and to any other provision in these Rules, this rule applies to any application to the court by note in a cause.

(2) A note shall-

- (a) include a statement of facts and a prayer; and
- (b) be lodged in the process of the cause to which it relates.

(3) The following provisions of Chapter 14 (petitions) shall, with the necessary modifications and the modification mentioned below, apply to a note under this rule as they apply to a petition:-

- rule 14.5 (first order in petitions),
- rule 14.6 (period of notice for lodging answers),
- rule 14.7 (intimation and service of petitions) with the substitution in paragraph (2) of that rule of the words "a notice in Form 15.2" for the words a "a citation in form 14.7",
- rule 14.8 (procedure where answers lodged),
- rule 14.9 (unopposed petitions).

(4) This rule shall not apply to-

- (a) a note to the Extractor; or
- (b) a note of objection.