



FORM 20A

The Simple Procedure Provisional Orders Application

If you are applying for the sheriff to make orders:

This is a Provisional Orders Application.

You can use this Application to ask the court to make orders that will protect your position until the sheriff makes a final decision in this case.

If you are asking the court to make a provisional order **without a provisional orders hearing**, you do not have to send the Application to anyone except the court.

Otherwise, you have to send a copy of the Application to the respondent and every interested person as well as sending it to the court.

If you have been sent this Application:

This is a Provisional Orders Application.

The claimant has asked the court to make orders to protect the claimant's position until the sheriff makes a final decision in this case.

The sheriff must hear from the claimant, the respondent and any interested person at a provisional orders hearing before deciding whether to make the provisional orders.

A. ABOUT THE CASE

Sheriff Court

Claimant

Respondent

Case reference number

B. ABOUT THE CLAIMANT

B1. What is your full name?

Name

Middle name

Surname

Trading name or
representative capacity
(if any)

C. THE APPLICATION

- ① You should complete this Part, Part D and Part F.
- ① Only complete Part E if you are asking for an arrestment on the dependence.

C1. What type of provisional order would you like the court to make?

- an arrestment on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987
 - ① This is an order freezing the respondent's goods or money held by a third party.
- an inhibition on the dependence under section 15A(1) of the Debtors (Scotland) Act 1987
 - ① This is an order preventing the respondent from selling their home or other land, or taking out a secured loan.
- an interim attachment under section 9A(1) of the Debt Arrangement and Attachment (Scotland) Act 2002
 - ① This is an order preventing the respondent from selling or removing their goods.

C2. Why should the court make this provisional order?

- ① The court will have to be satisfied about certain matters before it makes the order. The matters that are considered depend on the type of order and on whether you are asking the court to make the order without holding a provisional orders hearing or not.
- ① If you are asking for arrestment or inhibition on the dependence and you want the court to make a decision about the application without a hearing, see section 15E(2) of the Debtors (Scotland) Act 1987.
- ① If you are asking for arrestment or inhibition on the dependence and you want the court to make a decision about the application at a hearing, see section 15F(3) of the Debtors (Scotland) Act 1987.
- ① If you are asking for an interim attachment and you want the court to make a decision without a hearing, see section 9D(2) of the Debt Arrangement and Attachment (Scotland) Act 2002.
- ① If you are asking for an interim attachment and you want the court to make a decision at a hearing, see section 9E(3) of the Debt Arrangement and Attachment (Scotland) Act 2002.

D. HOW THE APPLICATION SHOULD BE DEALT WITH

D1. How do you want the court to deal with your Application?

- I want the court to consider whether to grant the Application without holding a hearing
- ① Please complete D2.
- I want the court to hold a hearing before deciding whether to grant the Application

D2. If the court refuses to grant the Application without holding a hearing, what should happen to the Application?

- ① You can decide to go ahead with a hearing where the sheriff will decide whether to grant the Application after hearing from you, the respondent and any interested person. If you do not want a hearing, the Application will be refused.
- I want the court to arrange a hearing
- I do not want the court to arrange a hearing

E. ARRESTMENT ON THE DEPENDENCE: INFORMATION ABOUT THIRD PARTY

- ① You should only complete this part of the Application if you are asking for an arrestment on the dependence.
- ① The third party is the person who holds goods or money that belongs to the respondent.

E1. Is the third party an individual, a company or an organisation?

- An individual (including a sole trader)
- ① Please complete E2.
- A company or organisation
- ① Please complete E3.

E2. What is the third party's full name?

- ① If the third party is an individual trading under a business name, please also give that name.

Name

Middle name

Surname

Trading name (if any)

E3. What is the third party's company name or organisation name?

① If the third party is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.

① You can check the name of a company on the Companies House website.

Name

Company type

Company registration number (if limited company or LLP)

Trading name (if any)

E4. What are the third party's contact details?

Address

City

Postcode

Email address

F. INTERESTED PERSONS

① This Part tells the court about any person who has an interest in the Application.

① You do not need to include details for:

- the respondent
- anyone whose details you have given in Part E.

F1. Does any person have an interest in the Application?

Yes

No

F2. Is the interested person an individual, a company or an organisation?

An individual (including a sole trader)

① Please complete F3.

A company or organisation

① Please complete F4.

F3. What is the interested person's full name?

① If the interested person is an individual trading under a business name, please also give that name.

Name

Middle name

Surname

Trading name (if any)

F4. What is the interested person's company name or organisation name?

① If the interested person is a company (which might be indicated by 'Limited', 'Ltd' or 'plc' after its name), please give the full name of that company and the company registration number.

① You can check the name of a company on the Companies House website.

Name

Company type

Company registration number (if limited company or LLP)

Trading name (if any)

F5. What are the interested person's contact details?

Address

City

Postcode

Email address