SO10

The Simple Procedure Order of the Sheriff

Order to recover documents

This is an order of the sheriff in a case which you are a party in. You should **read it** and **follow it**.

You should also read Part 8 of the Simple Procedure Rules, which is about orders of the sheriff.

Sheriff Court:	
Address:	
Date of order:	
Claimant:	
Respondent:	
Case reference number:	

The court has received a Recovery of Documents Application.

The sheriff has considered the Application and has **given the following orders:-**

Order to recover documents

[*This order can be used where the sheriff has decided to grant the application (in whole or in part) without a discussion in court*]

The sheriff **orders** the person mentioned in column 2 of the table below to send the document mentioned in column 1 to the court within _____ days after this order is formally served.

Column 1	Column 2
Description of document	*Name of person who has the document*

The sheriff also **orders** that person to fill in part A of this order ('the reply') and return it to the court within [number of days] after this order is formally served.

Refusal of Recovery of Documents Application

[*This order can be used where the sheriff has decided to refuse the application without a discussion in court*]

The sheriff **refuses to make** an order to recover documents.

Discussion in court

[*This order can be used where the sheriff has decided that a discussion in court is necessary to decide the application*]

The sheriff wants to hear from both parties before deciding whether to make an order to recover documents.

Both parties are **ordered** to attend a discussion at

on _____ at _____ .
Both parties should arrive in good time at the sheriff court building.

At this discussion, the sheriff will expect both parties to be prepared to discuss whether an order to recover documents should be made. Both parties should be aware that the sheriff may make a decision in their case even where they are not fully prepared to discuss this.

The application may be decided in the absence of a party, if that party fails to attend the discussion.

Signed by:

Sheriff of [sheriffdom] at [sheriff court]

THE REPLY

[*for use only where the sheriff makes an order to recover documents*]

A. ABOUT YOU

A1. What is your full name?

Name	
Middle name	
Surname	
Trading name or representative capacity (if any)	

B. DECLARATIONS

B1. How have you complied with the order to recover documents?

ⓘ Tick the box next to the appropriate declaration.

☐ I enclose the following documents. They are all the documents in my possession which fall within the description above.

☐ I have no documents in my possession which fall within the description above.

B2. Do you have any additional information about the order to recover documents?

ⓘ Tick the box next to the appropriate declaration.

☐ I believe that there are other documents which fall within the description above but they are not in my possession. I have the following information about them:

☐ I have no additional information about documents which fall within the description above.

B3. Do you believe that any of the documents that you possess are confidential?

ⓘ If your answer is yes, you must still send the document to the court. You should:

- put it in an envelope and seal it

- mark "CONFIDENTIAL" on the front of the envelope

ⓘ If the party who obtained the order to recover documents wants to open the envelope, the party has to make an application to the court first. You will be told about any application and you can explain to the sheriff why you think the document is confidential before the sheriff decides whether to grant the application.

☐ Yes

☐ No

V1.0