Op civielrechtelijk vlak blijven lopende procedures en procedures die voor het eind van de overgangsperiode zijn ingeleid, onder het EU-recht vallen. Zoals overeengekomen met het VK, wordt alle informatie op dat gebied in verband met het Verenigd Koninkrijk tot eind 2024 op het e-justitieportaal bijgehouden.

European payment order

Schotland

Ordinary civil procedure in Scotland is mainly governed by the Ordinary Cause Rules 1993. The rules can be accessed via the Scottish Courts and Tribunals Service website.

The rules are made by statutory instrument and may need amended by statutory instrument to accommodate the Regulation. A stand-alone set of rules will also require to be made.

The Court of Session regulates and prescribes the procedure and practice to be followed in any civil proceedings in the sheriff court by Act of Sederunt.

Article 29(1)(a) - Courts with jurisdiction

The court that will have jurisdiction to issue a European order for payment in Scotland is the sheriff court. In all cases the procedure will be before a sheriff. A claim can be issued in any sheriff court in Scotland. The Scottish Courts and Tribunals Service website has the addresses of all the sheriff courts.

Article 29(1)(b) - Review procedure

Any application must be made to the sheriff.

An application for review in terms of Article 20(1) is to be made in terms of form 2 of the Act of Sederunt (Sheriff Court European Order for Pyament Procedure Rules) 2008.

An application for review in terms of Article 20(2) is to be made in terms of form 3 of the Act of Sederunt (Sheriff Court European Order for Payment Procedure Rules) 2008.

Forms 2 and 3 are available to download from the Scottish Courts and Tribunals Service website

Article 29(1)(c) - Means of communication

The means of communication acceptable by the sheriff courts in Scotland for the purposes of commencing the European Order for Payment will be by post (due to the necessity to pay a court fee to issue the process). Consideration is currently being given as to whether electronic submission of the claim form will be possible. Subsequent documents including any statement of opposition may also be sent to the court by post.

Article 29(1)(d) - Accepted languages

The official language acceptable pursuant to Article 21(2)(b) is English.

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