

Help with the simple procedure claim form

The following advice will help you to complete the simple procedure claim form 3A on the Scottish Courts and Tribunal Service website.

You should use Civil Online to complete your simple procedure application and make your claim. You can find [Civil Online on the Scottish Courts and Tribunals website](#).

If you can't apply using Civil Online, you can ask to use a paper form. You have to include a note for the sheriff with the paper form explaining why you can't use Civil Online. The sheriff will decide if you have a good reason. You might have a good reason if you:

- don't have a personal laptop, computer, tablet or smartphone
- have very poor bandwidth or limited access to the internet
- are disabled and can't use online forms
- have limited ability to follow the form and you need help to complete it.

You can download and print off [form 3A on the Scottish courts and Tribunals website](#). Then you can either post it or hand-deliver it to the sheriff court. You will have to make two copies and pay a fee, unless you're exempt.

Before you start completing the form

Make sure you have all the details to hand to complete the claim form. For example, the respondent's name and contact details. You may also have to create digital versions of paper copies of receipts, or orders or other types of agreement.

Before you begin you should:

- [read the Simple Procedure rules on the Scottish courts website](#)
- ensure you are within the time frame for making a claim. The time limit for raising a summary cause action relating to personal injury, for example, is three years, and in most other cases the time limit is five years. [Contact your local Citizens Advice](#) or [seek legal advice](#) if you are in any doubt.

Section-by-section claim form 3A guidance

The following paragraphs offer help and guidance on each stage of claim form 3A.

Section A - About you

You're the person raising the claim. You're called the claimant. If you're a sole trader and choosing to use a lay representative to make the claim you have to say what position this person may hold in your business, for example, Finance Director.

If more than one person is making the same claim, you have to fill in [form 3B](#) too.

At Question A5 you have to decide if you want to be contacted by post or by email.

If you're unsure about technical and digital communications then it may be better for you to use the postal service.

In the next section, you can choose to have all communications sent to your representative (Box B, Question 4).

Section B - About your representation

If you're choosing to have someone other than a solicitor represent you, you should think about how much you want them to do.

In some cases, you may only want a courtroom supporter. In other cases, you may want your representative to do everything. A representative who is not a solicitor is called a [lay representative](#).

At Question B4, you have to indicate if you want the information about the case sent directly to your representative. If you want to receive the communications then you should select 'No'.

If you're the only person receiving communications from the court you'll need to make sure your representative receives everything they need from you.

[Form 2A](#) also has to be completed to apply for a lay representative for a case under the simple procedure. You need to know exactly what you want the lay representative to do for you before you fill in the form.

Section C – About the person or company you are claiming against

This section of the form should be straightforward if you know the details of the person or company that you want to make the claim against. This person or company is called the respondent.

The company address may be the Head Office if the firm has a number of branches.

If there's more than one person or company to claim against then you'll need all of those details.

If you don't know the address or name for the respondent

If you don't know the contact details of the person or company you will have to use [form 6B](#) as well as complete claim form 3A.

On [form 6B](#), you will have to explain at C1 what steps you've taken to try to find the contact details of the respondent and why these have failed to locate them. If the Scottish Courts and Tribunals Service agree to this application, it will advertise your claim on its website because this is the only way you can make your claim public enough to try to locate the company.

When you can't locate the person or the company you want to make the claim against, it may be very difficult to make the person pay the money back or do what the court asks them to do.

How you want the claim form to be formally 'served' on the respondent

All formal ways of 'serving' the claim form are done on paper. The claim form will not be sent to the respondent by email as part of the formal process.

You are asked in Section C at C10 if you want the claim to be sent formally to the respondent by the Scottish Courts and Tribunals Service.

When you're dealing with the claim yourself, it may be wise to let the court service serve the notice. There is a fee for this service from the court service (£13 plus the sheriff officer's fee).

Depending on your circumstances you might be eligible for an exemption from paying the fee. You have to apply for this exemption to the sheriff clerk of the court when you're raising the action at the same time as you're submitting the claim form. A copy of the form is available on the [Scottish Courts and Tribunals Service website](#).

If you're a company, limited liability partnership or partnership you will have to do this yourself using [form 6C](#). You'll also have to fill in an address label with specific information. A sheriff clerk can help you with this.

If you have a solicitor, this can be done for you and can form part of their fee.

If the respondent lives in England, Wales, Northern Ireland, the Isle of Man or the Channel Islands

When you have the contact details for the respondent, the claim can be delivered to either their home address or business address by recorded delivery.

If the respondent lives in another country

Different rules apply depending on which country the respondent lives in. You should get legal advice, for example from a [solicitor](#).

Section D - About the claim you are making

Read all the boxes in Section D to check which points you want to make in each box. You may think you're repeating yourself from section to section but if you try to answer each question in the respective box, it will be easier for the court to understand what has happened and what you want.

D1 – What is the background to your claim

This section should be used to explain what your claim is. You need to have a legal basis for the claim to be successful, for example, that a contract you had with the respondent has been breached. This could be as simple as the fact that what you bought was not of saleable quality.

For example, you had a conservatory built and within the first year it started leaking. There was a three year warranty on the building work but the company have been unable to fix all the leaks. What you want is for the company to come to repair the building properly or refund your money.

You have to explain to the court and the person you are taking action against what your claim is about. There is [guidance on the form](#). In summary:

- what is your complaint
- what should have happened that didn't happen - provide dates if you can
- what attempts have been made to fix the problem and why didn't they work
- whether any payments have been made already
- what has the respondent failed to do.

D2 – Where did this take place

This part of the form is important as how the event occurred, for example, if you bought goods over the internet or you ordered something online from outside Scotland. This will determine which court hears the case. This part can be complicated.

Generally cases will be heard in the sheriff court that serves the area where the respondent lives or the alleged act or event took place. However in a consumer case about goods or services you can raise the court action in the court nearest to where you live.

D3 and D4 – If your claim is related to a Consumer Credit Agreement

If your claim is about a credit agreement which is a consumer credit agreement regulated under the Consumer Credit Act 1974, you should state this on the form. It will say on your written agreement if it is regulated. You have to attach a copy of this to form 3A.

D5 – If your claim is successful, what do you want from the respondent

You have options here to ask the court to order the respondent to do something. For example, you can say that you have no faith that the respondent will be able to repair your leaky conservatory properly so you want a refund rather than a repair.

This is also where you'll be asked what interest you want to charge the person. This is possibly confusing if you don't have a rate of interest stated in your agreement. There is a standard rate of interest that a sheriff has discretion to add to the sum of money you are claiming. It can be applied from the start of the incident that has led to the claim.

You could say here that you want the sheriff to apply interest at the judicial rate from the start of the problem.

D6 - Expenses you incur at court

This section allows you to ask the court to refund you the expenses of the claim. For example, the cost of travelling to court.

D7 - Explaining what you are entitled to

This part of the form asks you to explain what you'd like to happen.

It's not enough to explain that you are cross and frustrated with the problem. You need to explain what you think you are entitled to and why. This should be the legal basis of your claim.

If you are not sure what to put into this box you can [get advice at the Citizens Advice Bureau](#).

D8 - Explaining what you have done so far

In this section, explain what you've done so far to try to resolve the problem and dispute. For example, you've asked for a meeting but they refused to come or you had a meeting but they refused to agree to your proposal to solve the problem.

Section E – Details about witnesses and other evidence

At the early stage of the process for making a claim, you only need to list the witnesses and evidence you would bring to the court if the case had to be heard in court. You might need to get more help with your case if you have several witnesses and a lot of evidence.

Solicitors are used to handling all the forms and timescales of the procedure that are required in bringing witnesses and evidence to court. It is important that you get advice if you think your case could be a complex one because of the number of witnesses and amount of evidence you will need to make your case.

Listing witnesses

In section E1 you must list any witnesses you have. Witnesses need to give evidence in person by answering questions at a hearing. They need to answer truthfully based on what they saw or what they know - it shouldn't be what you told them happened.

You should think about whether your witnesses are 'credible' - this means whether they are likely to be believed. A witness won't be very credible if they can't really remember what happened or keep changing their version of events. If they're not credible, it may not be wise to rely on them as a witness.

Giving evidence can be stressful so you need to think about whether you or your witnesses are capable of this. A witness might be important to your case but find it difficult to give evidence because they're a child, disabled or have mental health issues. You should still list them as a witness and state on the claim form that you'll be sending a Child Witness Notice or a Vulnerable Witness Application.

You can also apply to be considered a vulnerable witness yourself. This asks the court to allow evidence to be given in a special way, like through a screen or with

support from someone else. The other side will also be able to get vulnerable witnesses to appear in court in this way.

If a witness is unlikely to turn up at a hearing, you can still list them as a witness but you'll need to make sure they appear at the hearing. If their evidence is really important to your case and they refuse to come to a hearing or you think they're likely to back out at the last minute you could arrange for them to be served with a Witness Citation Notice. This means they can be made to attend a hearing. You should note on the claim form that you intend to cite them. There's a risk that if you do this they could give evidence that's harmful to your case, so think carefully. Find out [more about being a witness on the Scottish Courts website](#).

Other evidence

In E2 you should list all the other evidence you have gathered to prove your case, for example:

- a contract for a good or service
- letters you've written to resolve the case out of court
- notes of phone calls and what was said
- pictures - for example, unfinished building work.

If you have more than one piece of evidence to prove a fact, include all that are relevant.

