SCOTTISH STATUTORY INSTRUMENTS

2026 No. 253

SHERIFF COURT

Act of Sederunt (Summary Cause Rules 2002 Amendment) (Domestic Abuse (Protection) (Scotland) Act 2021) 2026

Made - - - -	*3rd September 2026*
Laid before the Scottish Parliament	*4th September 2026*
Coming into force	*5th October 2026*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(**a**), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by section 104(1) of the Courts Reform (Scotland) Act 2014(**b**) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Cause Rules 2002 Amendment) (Domestic Abuse (Protection) (Scotland) Act 2021) 2026.

(2) It comes into force on 5th October 2026.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Summary Cause Rules 2002

2.—(1) The Summary Cause Rules 2002(**c**) are amended in accordance with this paragraph.

(2) In rule 4.1 (form of summons), in paragraph (2), after "3," insert "3za, 3zb,".

(3) In rule 23.6 (extract of decree), in paragraph (3)(b), for "28k" substitute "28l".

(4) In Appendix 1 (forms)—

(a) after Form 3 (form of claim in a summons for recovery of possession of heritable property), insert Form 3za (form of claim in a summons in proceedings for recovery of possession on the ground set out in paragraph 15A of schedule 2 of the Housing (Scotland) Act 2001) and Form 3zb (form of claim in a summons in proceedings for termination of joint tenant's interest on the ground set out in paragraph 15A of schedule 2 of the Housing (Scotland) Act 2001), as set out in schedule 1 of this Act of Sederunt;

(**a**) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(**b**) 2014 asp 18.

(**c**) The Summary Cause Rules 2002 are in schedule 1 of the Act of Sederunt (Summary Cause Rules) 2002 (S.S.I. 2002/132), last amended by S.S.I. 2024/353.

(b) after Form 28k (form of extract decree – dismissal), insert Form 28l (form of extract decree in proceedings for recovery of possession or termination of joint tenant's interest on the ground set out in paragraph 15A of schedule 2 of the Housing (Scotland) Act 2001) as set out in schedule 2 of this Act of Sederunt.

PAUL CULLEN
Lord President
I.P.D.

Edinburgh
3rd September 2026

SCHEDULE 1

Paragraph 2(4)(a)

Rule 4.1(2)

Form 3za

Form of claim in a summons in proceedings for recovery of possession on the ground set out in paragraph 15A of schedule 2 of the Housing (Scotland) Act 2001

The pursuer claims that, in the circumstances described in the statement contained on page 2 of this copy summons, the pursuer is entitled to recover possession of the property at (*address*) for the purpose of entering into a tenancy with (*specify person*), and that you refuse or delay to remove from said property.

The pursuer therefore asks the court to grant a decree against you, removing you, (*state names of any others whose removal is sought*), with your goods and possessions from the said property.

The pursuer also claims from you the expenses of bringing the action.

Rule 4.1(2)

Form 3zb

Form of claim in a summons in proceedings for termination of joint tenant's interest on the ground set out in paragraph 15A of schedule 2 of the Housing (Scotland) Act 2001

The pursuer claims that, in the circumstances described in the statement contained on page 2 of this copy summons, the pursuer is entitled to terminate your interest in the tenancy of (*address*), and that you refuse or delay to remove from said property.

The pursuer therefore asks the court to grant a decree against you, removing you, (*state names of any others whose removal is sought*), with your goods and possessions from the said property.

The pursuer also claims from you the expenses of bringing the action.

SCHEDULE 2

Paragraph 2(4)(b)

Rule 23.6(3)(b)

Form 28l

Form of extract decree in proceedings for recovery of possession or termination of joint tenant's interest on the ground set out in paragraph 15A of schedule 2 of the Housing (Scotland) Act 2001

Sheriff Court | Court ref. no.

Date of decree | **in absence*

Pursuer(s) | Defender

The sheriff

(1) granted warrant for ejecting the defender (*state names of any others who are to be ejected*) from the premises at (*address*), such ejection being not sooner than (*date*) at 12 noon.

(2) granted decree against the defender for payment to the pursuer of the sum of £ of expenses.

This extract is warrant for all lawful execution thereon.

Date | Sheriff clerk depute

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Summary Cause Rules 2002 in consequence of the provisions of section 22 of the Domestic Abuse (Protection) (Scotland) Act 2021.

A new form of claim in a summons is prescribed for recovery of possession of property on the ground that the tenant, who is a sole tenant, has engaged in behaviour which is abusive of a partner or ex-partner. This is to allow the landlord to enter into a new tenancy with the partner or ex-partner who is the victim of the abusive behaviour.

A new form of claim in a summons is prescribed to allow a landlord to apply for an order terminating a tenant's interest in a Scottish secure tenancy where the tenant is a joint tenant with a partner or ex-partner, on the ground that the tenant has engaged in behaviour which is abusive of the partner or ex-partner.

A new form of extract decree is prescribed for recovery of possession or termination of a tenant's interest on the ground that the tenant has engaged in behaviour which is abusive of a partner or ex-partner.

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