

Summary Cause Procedure in the Sheriff Court

Derek P Auchie

2nd Edition



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Second edition

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Preface

As Richard Mays indicated in his preface to the first edition of this text, writing a book is no easy venture. I also agree that writing one's first book is particularly daunting. I would add, however, two other comments. Firstly, although I have found the task of writing this book difficult, I have also found it to be immensely enjoyable. Secondly, part of the reason for the task having been challenging in this case has related to the fact that this is a practical text, designed to be used by those involved in the summary cause courts. This means that it must not only be, as far as is possible, accurate; it requires to be of a practical (as opposed to academic) use. Although I am now an academic, I have, throughout the writing process, worn my practitioner's hat. I hope I have fulfilled this daunting, but necessary, brief.

This book has not, by any means, been written entirely under my own steam, and a number of people have contributed to the task. Firstly, I must acknowledge the contribution of Richard Mays. He kindly approached me and then the publishers on my behalf when he decided that he would be unable to write this edition, as a result of his decision to leave academia. Were it not for his efforts, I would not have been involved in this project. I also owe him my thanks in a wider sense. He guided and supported me during my first year or so in academia and encouraged my interest in writing.

Sheriff Alastair Stewart also deserves significant credit for the text of this book. He agreed to review an earlier draft, and in doing so, subjected it to minute examination. He made numerous suggested alterations, and as a result, the accuracy and presentation of the book is, without doubt, improved.

I would like to express my gratitude to the editorial and production teams at LexisNexis UK who have assisted in the production of this edition for their hard work, guidance and patience.

Sheriff Principal Macphail also kindly assisted with my enquiries, in his position as chairman of the Sheriff Court Rules Council. Indeed, I must thank all of the sheriffs principal, sheriffs, practitioners and sheriff clerks who found the time to respond to my letter seeking views on the operation of the new rules: the level and content of the responses were extremely useful. The administrative staff at Aberdeen Business School who assisted in putting together the mailing seeking these views

deserve a vote of thanks, in particular Tori Ratcliffe who assisted most in this respect.

Euan Roberts, former research assistant at the Robert Gordon University, helped immensely with the initial stages of this book: he spent a significant period gathering material and compiling a database of all sheriffs principal, sheriffs, solicitors firms and sheriff clerks in Scotland.

It seems customary, for some reason beyond my understanding, to thank those closest to the author at the end of a preface. In this case, the custom is particularly odd, since the contribution of my wife and son, Victoria and Adam, has been the greatest. This book was written over a relatively short period during which both of them suffered a severe lack of companionship. They did so with good grace, significant patience and considerable support. I thank them, then, most of all the dedicate this book accordingly. I thank Adam for choosing the colour of the cover.

I have attempted to state the law as at 31 January 2004.

Derek P Auchie
Monymusk
March 2004

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