



Small Claim Summons

Action for/of

Payment of money

Sheriff Court
(name, address, e-mail
and telephone no.)

1 Court address and number

Name and address
of person making
the claim (**pursuer**)

2 Your name and address

Name and address of
person against whom
claim made (**defender**)

3 Bank name and address
[Your local branch]

Claim (form of decree or
other order sought)

4 The pursuer claims from the defender the sum of £xxx.xx including interest at the judicial rate of 8% annually from the date of the first fee charged together with the expense of bringing this action.

Name, full address,
telephone no, and e-mail
address of pursuer's
solicitor or authorised
lay representative (if
any) acting in the claim

5 none

Fee Details (Enter these
only if forms sent
electronically to court)

5a Not applicable

6	RETURN DAY	20
	HEARING DATE	20 at am.
The pursuer is authorised to serve a copy summons in Form *1a/1b, on the defender(s) not less than *21/42 days before the RETURN DAY shown in the box above. The summons is warrant for service, *arrestment on the dependence and for citation of witnesses to attend court on any future date at which evidence may be led.		
	Sheriff clerk depute (name)	Date: 20

*Sheriff Clerk to
delete as appropriate

Court Authentication

NOTE: The pursuer should complete boxes 1 to 5a, and the statement of claim on page 2. The sheriff clerk will complete box 6.

7. STATE DETAILS OF CLAIM HERE OR ATTACH A STATEMENT OF CLAIM

(To be completed by the pursuer. If space is insufficient, a separate sheet may be attached)

The details of the claim are:

The claimant, (your name) has held a current account with the Defendant since on or before (date), the account number being 0*****.

The Defender deducted from the account various amounts of money in penalty charges during the period (date) to (date) .

These were in respect of: Charges as notified (levied as overlimit fees and late payment fees)The bank's charges are a disproportionate penalty and therefore unenforceable. Penalty charges are irrecoverable at common law. The precedent for this was Dunlop Pneumatic v New Garage [1915] AC 79.along with Murray v. Leisure play [2005] EWCA Civ 963. The Defendants charges are also contrary to the Unfair Terms in Consumer Contracts Regulations 1999. Para.8 and sch.2(1)(e)) The claimant has asked the bank to refund their charges or offer proof that they are true pre-estimate. They have declined to do so.

The claimant contends that these charges were legally unenforceable and the claimant is demanding payment of money.

The Defender has refused full payment of these monies due. (Copies of correspondence can be provided).

The defender (name and address) The pursuer resides at (your address) and has domiciled there for (Time) immediately preceding this action. The pursuer entered into a consumer contract with the defender. The court accordingly has jurisdiction because the monies ought to have been paid to the pursuer in (your home town)

The claimant claims £XXX.XX, being the sum unlawfully debited.

The claimant claims interest at the judicial rate of 8% annually

FOR OFFICIAL USE ONLY

Sheriff's notes as to:

1. Issues of fact and law in dispute
2. Facts agreed
3. Directions and guidance upon evidence to be led



FORM 1b

Small Claim Summons

Action for/of

Payment of money

OFFICIAL USE ONLY SUMMONS No.
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DEFENDER'S COPY: (Claim other than claim for or including payment of money where time to pay direction or time order may be applied for)

Sheriff Court
(name, address, e-mail
and telephone no.)

1	Court address and phone number
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Name and address
of person making
the claim (**pursuer**)

2	Your name and address
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Name and address of
person against whom
claim made (**defender**)

3	Banks name and address [your local branch]
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Claim (Form of decree
or other order sought -
*complete as in section 4
of Form 1*)

4	The pursuer claims from the defender the sum of £xxx.xx including interest at the judicial rate of 8% annually from the date of the first fee charged together with the expense of bringing this action.
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Name, full address,
telephone no, and e-mail
address of pursuer's
solicitor or authorised
lay representative (if
any)

5	Not applicable
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6	RETURN DAY	20		
	HEARING DATE	20	at	am.

NOTE: You will find details of claim on page 2.

**7. STATE DETAILS OF CLAIM HERE OR ATTACH A STATEMENT OF CLAIM
(To be completed by the pursuer. If space is insufficient, a separate sheet may be attached)**

The details of the claim are:

The claimant, your name has held a current account with the Defendant since on or before (date), the account number being 0*****.

The Defender deducted from the account various amounts of money in penalty charges during the period (date) to (date) .

These were in respect of: ?Charges as notified? (levied as overlimit fees and late payment fees)The bank's charges are a disproportionate penalty and therefore unenforceable. Penalty charges are irrecoverable at common law. The precedent for this was Dunlop Pneumatic v New Garage [1915] AC 79.along with Murray v. Leisure play [2005] EWCA Civ 963. The Defendants charges are also contrary to the Unfair Terms in Consumer Contracts Regulations 1999. Para.8 and sch.2(1)(e)) The claimant has repeatedly asked the bank to refund their charges or offer proof that they are true pre-estimate. They have declined to do so.

The claimant contends that these charges were legally unenforceable and the claimant is demanding payment of money.

The Defender has refused full payment of these monies due. (Copies of correspondence can be provided).

The defender (name and address) The pursuer resides at (your address) and has domiciled there for (Time) immediately preceding this action. The pursuer entered into a consumer contract with the defender. The court accordingly has jurisdiction because the monies ought to have been paid to the pursuer in (your home town)

The claimant claims £XXX.XX, being the sum unlawfully debited.

The claimant claims interest at the judicial rate of 8% annually

8. SERVICE ON DEFENDER

(Place)

(Date)

To:

(defender)

You are hereby served with a copy of the above summons.

Solicitor / sheriff officer

delete as appropriate

The pursuer should complete boxes 1 to 6 on page 1, the statement of claim in box 7 on page 2 and section A on page 4 before service on the defender. The person serving the summons will complete box 8.

WHAT MUST I DO ABOUT THIS SUMMONS?

Decide whether you wish to dispute the claim and/or whether you owe any money or not, and how you wish to proceed. Then, look at the 2 options listed below. Find the one which covers your decision and follow the instructions given there. You will find the RETURN DAY and the HEARING DATE on page one of the summons.

Written guidance on small claims procedure can be obtained from the sheriff clerk at any Sheriff Clerk's office.

Further advice can also be obtained by contacting any of the following:

Citizen's Advice Bureau, Consumer Advice Centre, Trading Standards or Consumer Protection Department or a solicitor. (Addresses can be found in the guidance booklets).

OPTIONS

1. ADMIT LIABILITY FOR THE CLAIM and settle it with the pursuer now.

If you wish to avoid the possibility of a court order passing against you, you should settle the claim (including any question of expenses) with pursuer or his representative **in good time before the return day**. Please do not send any payment direct to the court. Any payment should be made to the pursuer or his representative.

2. DISPUTE THE CLAIM and attend at court to do any of the following:

- Challenge the jurisdiction of the court
- State a defence
- State a counterclaim
- Dispute the amount of the claim

Complete Section B on page 4. Return page 4 to the court so that it arrives **on or before the return day**. **You must attend personally, or be represented, at court on the hearing date.**

Your representative may be a solicitor, or someone else having your authority. It may be helpful if you or your representative bring pages 1 and 2 of this form to the court.

NOTE: If you fail to return page 4 as directed, or if, having returned it, you fail to attend or are not represented at the hearing date, the court will almost certainly decide the claim in your absence.

WRITTEN NOTE OF PROPOSED COUNTERCLAIM

You may send to the court a written note of any counterclaim. If you do, you should also send a copy to the pursuer. You must also attend or be represented at court on the hearing date.

PLEASE NOTE

If you do nothing about this summons, the court will almost certainly, where appropriate, grant decree against you and order you to pay to the pursuer the sum claimed, including any interest and expenses found due.

If the summons is for delivery, or implement of an obligation, the court may order you to deliver the article or perform the duty in question within a specified period. If you fail to do so, the court may order you to pay to the pursuer the alternative amount claimed, including interest and expenses.

YOU ARE ADVISED TO KEEP PAGES 1 AND 2, AS THEY MAY BE USEFUL AT A LATER STAGE OF THE CASE.

SECTION A
This section must
be completed
before service

Court address

Summons No
Return Day
Hearing Date

SHERIFF COURT (Including address)

Your name and address

Banks name and address

PURSUER'S FULL NAME AND ADDRESS

DEFENDER'S FULL NAME AND ADDRESS

SECTION B DEFENDER'S RESPONSE TO THE SUMMONS

<p>DISPUTE THE CLAIM (or the amount due) and attend at court</p> <ul style="list-style-type: none">* I wish to dispute the amount due only.* I intend to challenge the jurisdiction of the court.* I intend to state a defence.* I intend to state a counterclaim. <p>I intend to appear or be represented in court.</p> <ul style="list-style-type: none">* I attach a note of my proposed counterclaim which has been copied to the pursuer. <p><i>* delete as necessary</i></p>
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PLEASE REMEMBER: You must send this page to the court **to arrive on or before the return day** if you have completed Section B above.

If you have admitted the claim, please do not send any payment direct to the court. Any payment should be made to the pursuer or his solicitor.