

## COURT OF SESSION

### PRACTICE NOTE

No. 2 of 2009

#### **Amendment by way of motion**

Practitioners are reminded that Rule of Court 24.2(2) is in the following terms:

“Where the amendment proposed is of a minor and formal nature, the party seeking to amend may enrol a motion to allow amendment in the terms set out in the motion.”

If the only amendment sought is an alteration of the sum sued for, a motion in terms of Rule 24.2(2) avoids the need for a Minute of Amendment.

#### **Ch 43: Pre-trial meetings involving defenders and/or third parties**

In cases involving multiple defenders and/or third parties, practitioners representing defenders and/or third parties may find it useful to have a voluntary meeting prior to the compulsory pre-trial meeting with the pursuer’s representatives.

#### **Ch 43: Statements of valuation of claim**

Rule of Court 43.9(7) gives the court power to dismiss an action, or to grant decree against the defender for an amount not exceeding the amount of the pursuer’s valuation, in the event of a party’s failure to lodge a statement of valuation of claim in terms of that rule. Practitioners should note that those powers may be exercised where a “statement” has been lodged with gives no, or inadequate, information, and where no reasonable explanation for that lack or inadequacy is given to the court. In complex cases where it is impractical to provide the information in accordance with the timetable, parties should consider enrolling a motion for variation of the same.

#### **Ch 43: Specification for recovery of documents**

Parties are reminded that when a specification for the recovery of documents has been granted the documents called for should be released promptly.

A C HAMILTON  
Lord President

Edinburgh  
27th May 2009