

**COURT OF SESSION**  
**GUIDANCE NOTE FOR COURT USERS**

**21<sup>ST</sup> SEPTEMBER 2021**

**COVID-19**

1. This guidance has effect from 21<sup>st</sup> September 2021 and will remain in effect until further notice. The guidance will be subject to ongoing review.
2. The purpose of this guidance is to facilitate the efficient disposal of court proceedings in the Court of Session during the ongoing Covid-19 pandemic.
3. Schedule 4 Part 1 1 of the Coronavirus (Scotland) Act 2020 enables the use of electronic signature and electronic transmission of court documents. Where a document requires to be signed electronic signature will be accepted in accordance with Schedule 4. Part 1 2 of Schedule 4 of the Act suspends the requirement for physical attendance at court unless the court directs otherwise. Under these provisions all hearings in the Court of Session will be conducted remotely until further notice unless the court directs otherwise.

*Inner House*

4. The Inner House will sit as an on-line court to hear civil appeals. Substantive hearings will proceed by way of Webex video conference or written submissions. Procedural hearings will proceed by way of written submissions or where required may be conducted by Webex video conference.
5. In all cases parties will be contacted directly by Division Clerks to confirm the manner in which hearings will be conducted and make the necessary technical arrangements. All virtual hearing access codes will be provided to parties in advance. The media will be provided with video access and members of the public will be provided with audio only access to appeal hearings on request from the Office of the Keeper of the Rolls. See [Practice Note No. 2 of 2021](#) for further guidance on dealing with Inner House hearings taking place by video conference.

6. Until further notice parties will be required to provide electronic copies of documents currently held only in hard copy by the court. The Division Clerks will advise when such electronic documents are required.
7. All documents up to 30MB lodged in respect of current and new actions in the Inner House and all emails relating to Inner House matters should be sent to [innerhouse@scotcourts.gov.uk](mailto:innerhouse@scotcourts.gov.uk). This email inbox is monitored during working hours. Matters marked as “urgent” will be prioritised.
8. Documents in excess of 30MB in size can be lodged via Objective Connect (see paragraph 28 below).

### *Outer House*

9. Procedural hearings in the Outer House will proceed as scheduled. Hearings may proceed by way of written submissions, by telephone conference call (teleconference) or by way of video conference with the agreement of the court. All parties will be contacted by a clerk of court to confirm the manner in which hearings will be conducted and make the necessary technical arrangements. All teleconference or videoconference joining instructions, Webex links and access codes will be provided by the clerk of court. The media and members of the public will be provided with access to virtual hearings on request where appropriate and where capacity permits.
10. All documents required for procedural hearings will require to be provided in electronic form. Where hard copy papers have already been lodged parties will be required to provide electronic copies of those documents. Clerks of court will advise where electronic documents are required.
11. The presumption is that substantive hearings, including proofs, in the Outer House will proceed by way of Webex video conference. Where a party considers that when taking account of all of the circumstances of the individual case it would be detrimental to the effective and efficient hearing of the case to be heard via Webex, and that the interests of the parties involved would not be best served using that method, or that they consider that the hearing cannot entirely be conducted by Webex, that party should advise the court of the reasons for that. It will be a matter for the Lord Ordinary to determine the manner in which the hearing should be heard. If the Lord Ordinary determines that Webex is not suitable, consideration will be given to whether a physically distanced “in-person” hearing can be accommodated. A substantive business

warning list is contained in the weekly [Rolls of Court](#) published on the SCTS website. Parties whose actions appear on the warning list should contact the Keeper's Office ([keepers@scotcourts.gov.uk](mailto:keepers@scotcourts.gov.uk)) to advise of readiness to proceed and unsuitability for video conferencing. Actions with substantive hearings fixed are being allocated to specific judges for active case management. By Order hearings may be fixed to enable consideration of readiness to proceed and approach to conducting hearings. [Court of Session Practice Note No 1 of 2020](#), Substantive Hearings by Video Conference, provides direction on the management of witness evidence and presentation of productions at virtual hearings. Approaches to the management of virtual hearings requiring the presentation of productions and witness evidence are still evolving and will be discussed with parties on a case by case basis. Additional guidance may be issued as experience develops.

12. Where substantive hearings are to proceed by way of video conference clerks of court will liaise with parties to make the necessary technical arrangements and provide access codes. The media and public will be provided with access to the virtual hearing where appropriate. Productions to be presented at substantive hearings will require to be lodged in electronic form as set out in Practice Note No 1 of 2020.
13. In relation to the fixing of civil jury trials, where issues are approved by the court, parties should submit a Court of Session e-fixing form to [keepersfixing@scotcourts.gov.uk](mailto:keepersfixing@scotcourts.gov.uk) (see paragraph 27 below). A proposed issue or counter-issue lodged for approval under RCS 37.1 must be lodged in MS Word format to allow for electronic authentication should the motion be granted. Requests for jury precepts should be emailed to the relevant General Department mailbox (see paragraph 17 below). While Covid-19 restrictions remain in place civil jury trials will be delivered using a Remote Jury Centre model. Jurors will be cited to attend at Fort Kinnaird and the court will sit in Lawnmarket. Balloting of jurors will take place by video conference, commencing at approximately 9.30 a.m. on the first day of the civil trial diet. Detailed [guidance for court users on civil jury trials](#) during Covid 19 is available on the SCTS website. Once a civil jury trial is imminent arrangements can be made for parties to visit the civil jury trial facilities and participate in a mock balloting exercise should this be required.

### *Appearance at virtual hearings*

14. Any party attending a court hearing by video conference or teleconference call is expected to maintain equivalent standards of behaviour as if they were attending the Court physically. Parties must ensure a quiet and secure space for their participation in the virtual hearing. Parties will be responsible for ensuring that any witnesses cited for substantive hearings are able to appear virtually in accordance with Rule of Court 36.9 (4).
15. As with other court proceedings, mechanical or audio recording of a court hearing conducted by video or teleconference call is not permitted without the consent of the Court.

### *Walls of Court*

16. A weekly Court Roll is being published on the SCTS website. This details Inner House and Outer House procedural and substantive business expected to call in the following week. A Calling list is being published as required. Paragraph 1A(1) of Schedule 4 of the Coronavirus (Scotland) Act 2020 provides for any requirements to intimate documents on the walls of court to be fulfilled through the SCTS website. Petition walling slips are being published as required. A downloadable [electronic walling slip](#) is available on the website. A completed electronic walling slip must be lodged with every petition and will be published on the Court of Session Court Rolls page of the SCTS website.

### *Mailboxes*

17. All Court of Session business correspondence should be emailed to the appropriate generic mailbox as follows:
  - CMT Motions – [courtofsession.motions@scotcourts.gov.uk](mailto:courtofsession.motions@scotcourts.gov.uk)
  - Fixing of substantive Outer House business (see paragraph 26 below) – [keepersfixing@scotcourts.gov.uk](mailto:keepersfixing@scotcourts.gov.uk)
  - Keeper’s Office – [Keepers@scotcourts.gov.uk](mailto:Keepers@scotcourts.gov.uk)
  - Inner House – [innerhouse@scotcourts.gov.uk](mailto:innerhouse@scotcourts.gov.uk)
  - Ordinary, Family and Commercial departments, including group proceedings - [gcs@scotcourts.gov.uk](mailto:gcs@scotcourts.gov.uk)
  - Personal injury actions - [personalinjuries@scotcourts.gov.uk](mailto:personalinjuries@scotcourts.gov.uk)
  - Petitions department - [petitions@scotcourts.gov.uk](mailto:petitions@scotcourts.gov.uk)

18. These mailboxes are monitored during working hours which are:

Monday – Thursday 9:00am – 5:00pm

Friday 9:00am – 4.45pm

Wherever possible parties should refrain from emailing out with these hours.

Matters marked as “urgent” will be prioritised.

The commercial mailbox ([commercial@scotcourts.gov.uk](mailto:commercial@scotcourts.gov.uk)) should be used only for copying in to urgent commercial motions and for contacting commercial clerks. All other commercial matters should be emailed to [gcs@scotcourts.gov.uk](mailto:gcs@scotcourts.gov.uk).

To support the transition to digital processes the following naming convention should be used in the email subject line for all emails sent to any of these mailboxes:

- Case name - Case reference number - Subject matter  
(e.g. A Smith v B Jones – A908/20 – entering appearance).

### *Electronic documents*

19. All documents lodged in respect of current and new actions in the Court of Session should be submitted by email. This includes new summonses, petitions, appeals, motions and caveats. The following naming convention should be used for all electronic documents to be lodged in process:

- Case name - Case reference number – Nature of document  
(e.g. A Smith v B Jones – A908-20 – Defences).

20. New Personal Injury actions are given a case reference number beginning with ‘COS’ e.g. COS-PD123-20. Therefore, all emails relating to personal injury actions should include the full case reference number, including where applicable the COS prefix, to ensure that documents can be lodged in the correct process.

21. For the time being documents should not be lodged and correspondence should not be sent by post wherever this can be avoided.

22. All new summonses will be signetted electronically. Summonses lodged in pdf form will have the words 'Certified signetted on [date]' and an electronic signature of the registering admin clerk added to them.
23. Initiating documents for new actions and documents that require to be lodged in accordance with a court timetable or interlocutor will be deemed to have been lodged with the Court on the date when the email with the document attached is received and the document attached is accepted. If the email is received out with working hours it will be deemed as lodged with the Court on the next day the office is open for business and the document attached is accepted. **Time critical documents should be emailed to the relevant mailbox and marked 'urgent'**.
24. In respect of productions, only inventories of productions should be lodged by email. With the exception of actions appearing on the substantive hearings warning list principal productions should not be lodged until further notice.
25. Documents in excess of 30MB in size cannot be lodged by email. Parties requiring to lodge large documents can do so via Objective Connect (see paragraph 28).

### *Motions*

26. Where documents previously lodged in hard copy are required to enable motions to be progressed parties will be contacted for electronic copies. All motions lodged by email should be accompanied by an electronic copy of the most up to date pleadings (i.e. a record where one has previously been lodged, failing which the summons and defences), as well as any document required for consideration of the motion. The naming conventions set out in paragraphs 18 (emails), 19 (documents) and 20 (new personal injury actions) should be applied.

### *Fixing*

27. All fixing of substantive hearings is now done electronically by the Keeper's Office between 10.00 a.m. and 4.00 p.m. on Monday to Friday. An [electronic fixing form](#) and [Guidance](#) on the process for electronic fixing are available on the Court of Session current business page of the SCTS website. All completed electronic fixing forms should be emailed to [keepersfixing@scotcourts.gov.uk](mailto:keepersfixing@scotcourts.gov.uk).

## *Objective Connect*

28. Objective Connect is SCTS' chosen file sharing platform.

- Documents over 30MB

Detailed [court user guidance on using Objective Connect for Court of Session actions](#) is available on the SCTS website. Parties requiring to lodge large documents via Objective Connect must contact the appropriate generic mailbox to arrange access.

- Confidential Documents

Detailed [guidance for Havers](#) on how to use Objective Connect in the Court of Session when confidentiality of documents is claimed under Rule of Court 35.8 is available on the SCTS website.

## *Fees*

29. Where a fee is payable, it will be charged to your Court of Session account. If you do not have a Court of Session account, staff from the Offices of Court will contact you to take payment by debit/credit card over the telephone.

*Court of Session*  
21 September 2021