



# The Proof

The quarterly newsletter  
of the Offices of the Court of Session

March 2010

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## Easter 2010

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The Court will be in recess from Monday 29 March 2010 until Friday 23 April 2010 inclusive.

The Offices of Court will be closed on Friday 2 April, Monday 5 April and Monday 19 April 2010. The Court will sit at 10.00am Tuesday to Friday.

Papers due to be lodged on the last three days mentioned will be accepted on the following Tuesdays.

**SOLICITORS ARE REMINDED THAT THESE COURTS ARE INTENDED ONLY FOR THE DISPOSAL OF URGENT BUSINESS AND ANY MOTION WHICH IS NOT CLASSED AS SUCH WILL BE HELD OVER UNTIL TUESDAY 27 APRIL 2010**

**Motions etc intimated and enrolled by email in accordance with Parts 2 and 4 of Chapter 23 of the Rules of the Court of Session 1994.**

Motions requiring appearance on Friday 2 April 2010 will be heard on Tuesday 6 April 2010.

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Details of intimation, opposition and enrolment dates to accommodate the public holidays on Friday 2 April and Monday 5 April 2010 are below.

<u>Intimation date</u>	<u>Opposition Date</u>	<u>Motion Lodged Date</u>
29/3/10	31/3/10	1/4/10
30/3/10	1/4/10	6/4/10
31/3/10	6/4/10	7/4/10
1/4/10	7/4/10	8/4/10
6/4/10	8/4/10	9/4/10

Intimation, opposition and enrolment dates return to normal, thereafter.

Details of intimation, opposition and enrolment dates to accommodate the public holiday on Monday 19 April 2010 are below.

<u>Intimation date</u>	<u>Opposition Date</u>	<u>Motion Lodged Date</u>
14/4/10	16/4/10	20/4/10
15/4/10	20/4/10	21/4/10
16/4/10	21/4/10	22/4/10
20/4/10	22/4/10	23/4/10

Intimation, opposition and enrolment dates return to normal, thereafter.

**Motions intimated by other means in accordance with Parts 3 and 4 of Chapter 23 of the Rules of the Court of Session 1994.**

Motions for Tuesday 6 April must be enrolled no later than 4.00pm on Wednesday 31 March and may be opposed up till 12.30pm on Thursday 1 April.

Motions enrolled for Wednesday 7 April must be enrolled no later than 4.00pm on Thursday 1 April and may be opposed until 12.30pm on Tuesday 6 April.

Motions for Tuesday 20 April must be enrolled no later than 4.00pm on Thursday 15 April and may be opposed up till 12.30pm on Friday 16 April.

Motions for Wednesday 21 April must be enrolled no later than 4.00pm on Friday 16 April and may be opposed up till 12.30pm on Tuesday 20 April.

Tuesday to Friday during recess will be Calling days except Friday 2 April 2010.

Undefended divorce proofs by way of affidavit evidence will continue to be disposed of. The Rolls of Court will be published each Thursday. It will contain the usual lists relating to such actions.

## Offices of the Court of Session – Customer Charter

Our [Customer Charter](#) sets out the quality of service you can expect from us.

It is important that we meet the standards and we must have ways of measuring our performance. Some aspects of our service are easy to measure, for example, timescales. Others, such as behaviours, are trickier to evaluate and so we need your help with this.

If you find that we are not meeting the standards of performance or behaviour set down in the Charter then we need you to let us know. This gives us the opportunity to take action. Of course, you can also tell us when we do well!

Please use the yellow cards in the department to tell us what you think. Alternatively you can speak to, call or write to Susan Brodie. You'll find her details on page .

Thank you for your help.

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*Let us know how  
we're doing*

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## Office re-structure – the evaluation



It is now a year since the Offices of the Court of Session was re-structured.

We have carried out an evaluation of the new structure. The results of this will be published in the next edition of The Proof.

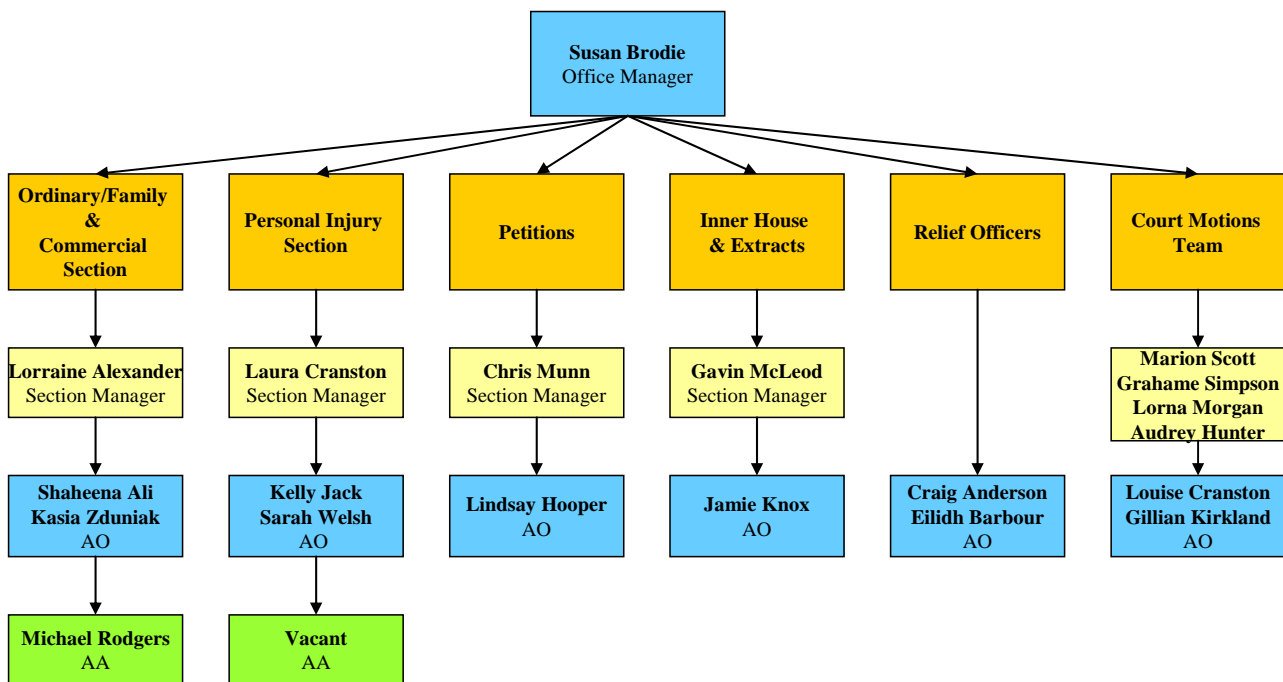
## Staffing in the Offices of the Court of Session

Congratulations to Gillian Kirkland who has recently passed an Administration Officer promotion board.

Gillian recently took up her post in the Court Motions Team. Eilidh Barbour is now a relief officer in the General department.



An up-to-date organisational chart is shown below.



## Court Motions Team

As you will all be aware the new rules for the disposal of motions by email have been operating since the 1 February 2010. The new rules introduced a significant change and it was to be expected that there would be some issues which require clarification or further explanation. The following notes may be helpful.

### Volume of business

In the month of February, the total number of motions emailed to the Court Motions Team was 1261, of which:-

- 997 motions were granted
- 157 motions were dropped because of procedural problems or motions not being in the prescribed form
- 107 motions were opposed or automatically starred.

### Common problems

The Court Motions Team has identified the most common discrepancies among e mailed motions. A significant number of problems are arising because motions are not being presented in the new prescribed form (Form 23.1C). To allow the Court Motions Team to process e motions on a 'right first time' basis it would be helpful if practitioners could comply with the following:-

- Court users are reminded to delete as appropriate in the heading of the motion to show whether the motion is unopposed or opposed.  
"Unopposed motion/Opposed motion \* (Delete where not applicable)"
- All 14 parts of the motion sheet must be completed, with the exception of part 7. The most common part of the motion sheet not completed is Part 12. This field also relates to the motion being unopposed or opposed.

It is important that these areas of the motion sheet are completed. The Court Motions Team needs to be clear about whether the motion is opposed or not.

- Where appropriate, Please ensure that a backing sheet is included in your e-documents. Currently hard copies of parts of process are still printed off and put in process so a backing sheet is required.
- The cut off time for enrolment of motions is 12.30pm. It is essential to the timetable for dealing with motions to have a clear cut off time. Motions enrolled after this time cannot be accepted.
- The new rules regarding the emailing of motions apply only to **Personal Injury actions, Ordinary and Family actions. Commercial actions, Inner House cases and Petitions** are not covered by the new rules and should be enrolled using Form 23.2 and the following the 'old' procedure.

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- Where an e-motion is checked and cannot be rectified by a phone call to the parties and is then dropped the fee for a motion of £45 will be charged.
- In an Ordinary action, when enrolling for a further adjustment period or to restore a case to the adjustment roll, please either mark the motion sheet as no adjustments to date or attached a copy of an adjusted open record showing the adjustments to date (if this document is more than 20 pages or difficult to scan, please lodge in person with the CMT on the day of lodging the motion)

### Dispensing with the period of intimation

We are currently monitoring the number of cases where the Court is being asked to exercise the power to shorten the period of intimation under Rule of Court 23.1J (3). The number of applications to exercise this power is higher than anticipated. This is giving rise to some practical problems. For example, motions are asking that they be determined on the date on which they are intimated. This affords very little time for the other side to consider whether to oppose the motion and we have received complaints about this from 'opposing' parties. Also, where the Court is asked to exercise the dispensing power this requires judicial consideration rather than consideration by a clerk. As a result, a higher number of motions are requiring to be considered by a judge than would otherwise be the case, and this causes some delay in dealing with motions while they are put out in a judge's bag or left in chambers for consideration. Any saving of time at the front end by seeking dispensation is likely to be offset by a delay in dealing with the motion.

The dispensing power was envisaged to be used only when necessary. It would be appreciated if this could be borne in mind

Thank you for your co-operation and patience with the new scheme. Overall it is working effectively. It would be very much appreciated if the above points could be considered to help improve the level of service being provided.

If you would wish to respond to any of the above matters please write to, email or telephone the Court Motions Team, Court of Session, Parliament House, Edinburgh EH1 1RQ (tel: 0131 240 6882 or 240 6662).

## You said – we did

You said - nothing this quarter! There has been no customer or staff comments or suggestion made since the last edition of the proof.

Your feedback is important to us. It gives us the opportunity to put things right or tell you why we can't change the situation.

Please continue to give us your comments by filling in the yellow comment cards in the department - and remember to give us your contact details if you'd like a personal response.



## Customer Liaison Group

The next Customer Liaison Group Meeting will be held at 4 o'clock on Wednesday 2 June 2010 in the meeting room on -1 Parliament House. All customers are welcome to attend.

If you would like more information please contact Yvonne Anderson or Susan Brodie.

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*The next meeting will  
be held  
2 June 2010*

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## Protocol for the lodging of documents in Commercial Court

Since the issue of the last protocol on 22 February 2008, a number of issues have arisen necessitating a reminder of parties obligations and an alteration to current practice.

1. Agents should ensure that documentation is lodged within the timescales provided for by the relevant interlocutor, or by the relevant Rules of Court as appropriate;
2. Documentation **will not** be accepted after 1.00p.m. on the day preceding the hearing unless there is an interlocutor to the contrary. Any documentation sought to be lodged after this deadline will have to be lodged by Counsel at the bar with an appropriate explanation;
3. All documents will be marked on the front page with the appropriate case number.

Tendering/Lodging documents:

4. **Productions** will no longer be accepted by e-mail, and will have to be lodged in hard copy at the Commercial section of the General Department:
  - a. Productions will not be accepted by the Commercial Clerks where they have been rejected by the Commercial section of the General Department;
  - b. All Productions must be: marked as having been intimated; paginated; bound; and, have the production number and case number on front of each of the productions;
  - c. An inventory of productions must be lodged both in process and with each separate folder;
5. **All other documents** may be tendered either in hard copy or by e-mail to [commercial@scotcourts.gov.uk](mailto:commercial@scotcourts.gov.uk) ;
6. **Initial Defences, Affidavits and Joint Minutes** will not be accepted without a signature. Scanned signed documents will be accepted by way of e-mail, in line with Outer House e-mail motion procedure.

If documents are sent by e-mail (where permitted):

7. No hard copy should be produced unless subsequently requested by the court;
8. The documents should be sent in Microsoft Word .doc format;
9. All e-mails containing documents to be lodged in process **must** be sent to [commercial@scotcourts.gov.uk](mailto:commercial@scotcourts.gov.uk) to ensure that they are available to be lodged in the absence of a specific Commercial Clerk;
10. An automated return e-mail acknowledging receipt will be sent from the Commercial Inbox. If this is not received within a reasonable time, and in any event within 24 hours or the latest time for lodging the document (whichever is earlier), Agents should telephone (0131-225-2595) to have a message passed to the appropriate Commercial Clerk to check receipt;
11. It will be the responsibility of the Commercial Clerk to ensure that any documents sent by e-mail in accordance with this protocol are printed off and lodged in process. He/she may discharge this function (a) personally, or (b) by forwarding the e-mail either to the Commercial section of the General Department, or to the appropriate Commercial Clerk, with a request that they print off and lodge the attached documentation in process;
12. These procedures shall come into force as from 1 January 2010.

## Offices of Court Report – February 2010

### Management Information & Workload

	JAN 09	FEB 09		JAN 10	FEB 10
<b>Petitions lodged</b>	92	148		105	112 ( down due to less stat reviews )
<b>Summonses lodged</b>	273 ( 202 PI ) ( 54 Ord ) ( 7 Family ) (10 Comm )	321 ( 219 PI ) ( 72 Ord ) ( 9 Family ) (21 Comm )		278 ( 229 PI ) ( 41 Ord ) ( 5 Family ) ( 3 Comm )	362 ( 294 PI ) re 41 US actions ( 45 Ord ) ( 5 Family ) ( 18 Comm )
<b>Appeals lodged</b>	16	24		6	11
<b>Total Actions</b>	381	493		389	485

Waiting period (court service indicator) for 4 day PI Proofs stands at 11.5 months (from date defences lodged). We are currently allocating for 1 March 2011.

The allocation of Civil Jury Trials has now been increased to 5 per week. The first available date for a Jury Trial is currently 10 May 2011.

### Performance against Targets

Administrative targets (service delivery targets); to process Summonses, Petitions and Appeals within 1 working day of their receipt.

491 Summonses, Petitions and Appeals lodged in the month of February, target met 100%.

16 Notes to the Extractor requested in the month of February, target met 100%.

One official complaint received in the month of February (running total for 2010 one) All paperwork and response copied to HQ with Feb return.

## Telephone contact details

### Offices of the Court of Session

All numbers should be preceded with 0131 240

#### Personal Injuries Section

Laura Cranston	6878
Kelly Jack	6853
Sarah Welsh	6667

#### Ordinary, Family and Commercial Section

Lorraine Alexander	6741
Kasia Zduniak	6879
Shaheena Ali	6880
Michael Rodger	6669

#### Inner House and Extracts Department

Gavin McLeod	6874
Jamie Knox	6748

#### Relief Officers

Craig Anderson	6745
Eilidh Barbour	6745

#### Petitions Department

Chris Munn	6747
Lindsay Hooper	6747

#### Court Motions Team

Marion Scott	6662
Grahame Simpson	6662
Lorna Morgan	6662
Audrey Hunter	6662
Louise Cranston	6882
Gillian Kirkland	6882

#### Office Manager for the Offices of the Court of Session

Susan Brodie	6743
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#### Depute in Charge of the Offices of the Court of Session

Yvonne Anderson	6740
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## What do you think?

The Offices of the Court of Session continually seek to improve the service and choice for its customers and partners. In order to improve the quality of information we provide about our performance we would like to offer you the opportunity to comment on the content of this document. Please read the following questions and pass your views and comments to us by fax, email or letter using the details given below:

1. How well did you understand the contents of this report?
2. How well does this information meet your needs?
3. Did it cover aspects which you are interested in or you feel are relevant?
4. What other relevant issues or information do you feel you should be included or covered in the next quarter's issue?

Send your views to:

### Letter

S Brodie  
Court of Session  
Level -1  
Parliament House  
Parliament Square  
Edinburgh  
EH1 1RQ

### Email

[sbrodie@scotcourts.gov.uk](mailto:sbrodie@scotcourts.gov.uk)

### Fax

0131 240 6746

### Telephone

0131 240 6743