

CHAPTER 6

THE ROLLS

Printing and publishing of rolls

6.1. The rolls shall be printed and published, and delivered to subscribers, under directions made from time to time by the Lord President.

Fixing and allocation of diets in Outer House

6.2.- (1) This rule applies to the fixing and allocation of diets in the Outer House.

(2) The court shall not proceed to fix a diet where-

- (a) a proof is allowed;
- (b) issues are approved; or
- (c) a cause is appointed to the Procedure Roll.

(2A) Where a party enrols a motion for a cause to be appointed to the Procedure Roll he shall include in enrolled motion his estimate of the likely duration of the Procedure Roll hearing.

(2B) If any other party considers that the estimate included under paragraph (2A) is too low, he shall record upon the enrolled motion his own estimate.

(2C) On such papers (whether or not the closed record) as are transmitted to the Keeper of the Rolls for the purposes of his carrying out the functions conferred on him by paragraphs (3) and (4), the clerk of court shall note the estimate provided in pursuance of paragraph (2A) unless a higher estimate is recorded under paragraph (2B), in which case the note shall only be of the higher (or as the case may be the highest) estimate so recorded.

(3) Subject to paragraph (4), a cause appointed to the Procedure Roll may be put out for hearing by the Keeper of the Rolls in the course of any week where, unless the parties otherwise agree, the diet has been published in the rolls on Thursday of the preceding week.

(4) Where a hearing on the Procedure Roll is anticipated to be of some length or complexity, the parties may arrange a fixed diet with the Keeper of the Rolls.

(5) When a party enrols for a proof to be allowed or issues to be approved in a cause depending before the Outer House he shall include in the enrolled motion his estimate of the likely duration of the proof or jury trial and request that the diet be allocated accordingly.

(6) If any other party considers that the estimate so included is too low, he shall record upon the enrolled motion his own estimate.

(7) On such papers (whether or not the closed record) as are transmitted to the Keeper of the Rolls for the purpose of his allocating the diet, the clerk of court shall note the estimate provided in pursuance of paragraph (5) unless a higher estimate is recorded under paragraph (6), in which case the note shall only be of the higher (or as the case may be the highest) estimate so recorded; and the Keeper of the Rolls shall allocate the diet of proof or jury trial accordingly and given written intimation of it to each party.

(7A) Any estimate included or recorded by a party under paragraph (2A), (2B), (5) or (6) shall be certified in Form 6.2 by any counsel or other person having a right of audience instructed by that party to represent him at the Procedure Roll hearing, proof, or jury trial, as the case may be.

(7B) A certificate under paragraph (7A) shall be lodged –

- (a) where it relates to an estimate included under paragraph (2A) or (5), at the time of enrolling the motion mentioned in that paragraph;
- (b) where it relates to an estimate recorded under paragraph (2B) or (6), at the time of recording that estimate;

(7C) Where a party's original estimate of the duration of any diet changes, that party shall lodge a further Form 6.2 no later than 14 days before the date of any Procedure Roll hearing, proof or jury trial.

Fixing and allocation of diets in Inner House

6.3.- (1) This rule applies to the allocation of diets in the Inner House.

(2) When a party enrolls for a cause depending before the Inner House to be appointed to the Summar Roll for hearing he shall include in the enrolled motion his estimate of the likely duration of the hearing and request that the diet be allocated accordingly.

(3) If any other party considers that the estimate so included is too low, he shall record upon the enrolled motion his own estimate.

(4) On such papers (whether or not the reclaiming print) as are transmitted to the Keeper of the Rolls for the purpose of his allocating the diet, the clerk of court shall note the estimate provided in pursuance of paragraph (2) unless a higher estimate is recorded under paragraph (3), in which case the note shall only be of the higher (or as the case may be of the highest) estimate so recorded; and the Keeper of the Rolls shall allocate the diet for the hearing accordingly and give written intimation of it to each party.

(5) Not less than five weeks before the hearing of the cause on the Summar Roll, the Keeper of the Rolls shall put the cause out on the By Order Roll before a Division of the Inner House.

(6) At a hearing on the By Order Roll under paragraph (5), the parties shall -

- (a) advise the court whether or not the hearing on the Summar Roll is to proceed; and
- (b) where it is to do so, provide the court with a re-assessment of its likely duration.

(7) Any -

- (a) estimate included by a party under paragraph (2);
- (b) estimate recorded by a party under paragraph (3); or
- (c) re-assessment provided by a party under paragraph (6),

shall be certified in Form 6.3 by any counsel or other person having a right of audience instructed by that party to represent him at the summar roll hearing.

(8) A certificate under paragraph (7) shall be lodged -

- (a) where it relates to an estimate included under paragraph (2), at the time of enrolling the motion mentioned in that paragraph;
- (b) where it relates to an estimate recorded under paragraph (3), at the time of recording that estimate;
- (c) where it relates to a re-assessment provided under paragraph (6), not less than one day before the hearing on the By Order Roll under paragraph (5).

Putting out causes for proof, jury trial or hearing

6.4.- (1) The Keeper of the Rolls shall prepare and publish in the rolls from time to time lists of all causes in which diets have been fixed or allocated-

- (a) in the Summar Roll, or
- (b) for proof, jury trial or other hearing,

and put out such causes before such Division of the Inner House or Lord Ordinary, as the case may be, as may be convenient.

(2) Without prejudice to rule 6.2(3) (causes appointed to procedure roll put out for hearing), a cause published in the rolls for hearing on any roll or at any diet shall be published not later than the second day before the day on which the cause is to be heard.