



New Court Users' Guide

Supreme Courts



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Introduction

This guide outlines the basics you need to know as a customer at the Offices of the Court of Session. We hope it will be of benefit to both new and existing customers.

We advise new court users to read this booklet prior to attending at the Offices of Court, as this will allow you to plan ahead, assisting us in keeping waiting times to a minimum.

After reading this guide, if you have any further questions or queries about procedures, please refer to the [Rules of Court](#), any relevant [Practice Notes](#), or approach staff members serving at the counter with your questions.



Customers Comments & Suggestions

Comment cards are located at various points throughout the waiting areas. We encourage customers to fill one in should they have any feedback, comments or suggestions. Once completed, they should be placed in the red boxes, which are checked on a weekly basis. If you choose to put your name on the card, you will receive a direct response from a member of staff. However, if you prefer to remain anonymous, your comment will be displayed on the “You Said, We Did” white board located in the waiting area, along with a response.



Opening hours



Monday	10:30am*	-	5.00pm
Tuesday-Thursday	9.00am	-	5.00pm
Friday	9.00am	-	4.45pm

There is limited seating and desk space in the waiting area, and it can become busy during peak times. We would appreciate your consideration for other customers whilst you are waiting.

Please note that there is limited staffing between the following times, and you may be required to attend at a different section to be served (notices will be in place):

9.00am - 10.00am
12.00pm - 2.00pm
4.00pm - 5.00pm

If you attend at the public counter near to closing, you may be asked to leave without being served, unless documents are just being dropped off. Customers will be asked to leave if they are still in the department at closing time.



General Information

The Offices of the Court of Session are headed up by the Deputy Principal Clerk of Session, supported by the Depute in Charge and The Keeper of the Rolls.

The Offices consist of the:

- General Department (Ordinary, Family, Commercial & Personal Injury)
- Petition Department
- Inner House & Extracts Department
- Sheriff Appeal Court (SAC)
- Keepers and Court Motions Team (KMT)

You can identify what sort of action you have, as follows:

Action Type	Reference starts with	Folder Colour
Ordinary	A	Grey
Family	F	Grey
Commercial	CA	Red
Personal Injury	PD	Green
Petition	P	Blue
Inner House	XA	Manilla
Sheriff Appeal Court	Please check with section	Black

Processes are governed by [Rule of Court 4.4](#) and consist of the following main parts:

- 1) Principal Summons/Petition/Appeal
- 2) Certified Copy Summons/Petition/Appeal
- 3) Interlocutor Sheers
- 4) Motion Sheets
- 5) Minute of Proceedings
- 6) Productions for the Pursuer/Petitioner/Appellant
- 7) Productions for the Defender/Respondent

Every process has an Inventory of Process, which lists all the documents lodged.

New Summons/Petition/Appeal

New Summonses, Petitions and Appeals must be handed over the counter. Please sign on the list at the relevant section and wait to be called.

Urgent Summons/Petition

You must phone the relevant section to advise them you have an urgent case to be signeted/registered, before you attend the department.

You must also inform the Keepers Office, or alternatively the Commercial Clerks if it is a Summons for Commercial Action or a Petition under the Companies Act, if a hearing is required.

Forms

All of Court of Session [forms](#) are available on the Scottish Courts and Tribunals Service website.

Phoning

When you contact the office by phone about an action, please ensure you have the case reference number and case name ready. If no one is able to pick up your call, please leave a voicemail message and someone will get back to you.

Photocopying

Photocopiers are available in the waiting area for use by court runners. You will need the pin number for your firm to be able to use the photocopiers. If you are unsure of your pin number, please check with the Administration Office.

Pigeon Hole

Agents' pigeon holes are now kept behind the counters, due to data protection. Please ask a member of staff at the counter to check your pigeon hole. It is your responsibility to ask if there are any documents to uplift.

Queue System

When you arrive, write your name and your firm's name on the queue sheet for each section you require. If no one is currently serving at the counter, ring the bell, and take a seat whilst you wait to be served. If you are at another section when counter staff call your name, they will move onto the next customer and will call you again when you are free.

Lodging Documents

All documents lodged in a court process (with the exception of letters and actual productions) must have a backing sheet with the case name, case reference number, agent's name and address, and marked as intimated (if applicable). When a document is lodged, you will be asked to write the number of process it has been given on the backing sheet, and it will be date stamped by counter staff.

Productions - Lodging

When lodging productions they must have an Inventory of Productions for each bundle of productions, e.g. 6/1-7. The Inventory of Productions should be backed and clipped per above. The productions should be securely fastened, individually, and have the production number and case reference number at the top right-hand corner; they should also be page numbered.

The Inventory of Productions should not be clipped together with the productions.

Productions can only be lodged over the counter or by post; they cannot be faxed.

Productions - Borrowing

To borrow out productions, ask for the action you require, and specific number of production(s). You will be required to fill out a borrowing receipt so we can keep track of the productions. When you borrow out productions they become the responsibility of your firm. The Inventory of Productions cannot be borrowed out, however you may photocopy it.

To return productions, you must ensure they are securely fastened and in numerical order. Counter staff will collect the process, and mark the productions as returned.

Productions – Finally Uplifting

When an action is disposed of, the process will be placed into a buff folder ready to be stored in the Records Office. Before a process can be transmitted to Records, agents are required to finally uplift their productions as they are no longer required by the court.

You should check all of your productions are there and leave a receipt as you would when borrowing out productions.

Ordering Up a Process

Once an action has finished in court, it will be transmitted to the Records Office, where it is stored for 5 years before being transferred to the National Records of Scotland (NRS).

If you require a process which is in the Records Office, ask at the counter for the basement index number – this is the number Records staff use to locate the process. Fill in a basement request slip, which can be found at the ends of the counter, and place it in the ordering tray. Records' staff check these trays, and the process you ordered should be available the following morning or afternoon.

Processes indexed more than 5 years ago will be at NRS. Ask counter staff if they can order the process for you. It can take a few days for the process to be delivered to the offices, so please ensure to order in advance. If you require the process urgently, please inform the counter staff.

Certified Copy Interlocutor (CCI)

Agents are required to make up the CCI themselves. A CCI must include the instance of the Summons/Petition/Appeal/Note, and a copy of the Interlocutor you wish to be certified. It should be headed up as "Certified Copy Interlocutor".

Counter staff will check your CCI exactly matches the principal documents, and write on who it was signed by. They will then stamp and sign the CCI as a true copy. You will have to fill in the CCI book so the fee can be tracked.

NB: Judges' signatures must not be photocopied

Confidential Envelope

Once you have received the Interlocutor granting uplift of the confidential envelope, sign on at the relevant section to request the envelope for borrowing. Counter staff will pass you the confidential envelope, along with the Inventory of Process in which you should leave a receipt to show you have uplifted the envelope.

Extracts

Your firm will give you a Note to the Extractor, Form 7.1, which you should take to the relevant section. Explain you require an extract and advise the date the action finished. The clerk will write the case name and reference number through the Transmission Book, which you then take to the Inner House & Extracts counter along with the process. If everything is in order, counter staff will sign for the process and give you the transmission book back to return to the original section.

General Department (Ordinary, Family, Commercial & Personal Injury)

Callings

To lodge a case for calling, you need to present the signeted Summons with the Execution of Service included at the back of the Summons, and a calling slip. The calling slip must include the names of the pursuer and defender, the case reference number and the pursuer's agent's name.

Counter staff will check the service of the Summons, and the details on the calling slip. You will then be advised upon which day the case will call.

Please see below for the calling days:

Lodged for Calling	Case Calls
Mon 12:30pm – Tues 12:30pm	Thursday
Tues 12:30pm – Wed 12:30pm	Friday
Wed 12:30pm – Fri 12:30pm	Tuesday
Fri 12:30pm – Mon 12:30pm	Wednesday

These days may vary during vacation period. Notification will be given in the Rolls of Court regarding calling days.

Defences

Defences are the defender's pleadings in answer to the summons. Defences are due no later than 7 days after the case has called. Defences must be signed on the last page by counsel.

Commercial Actions

[Practice Note 1 of 2017](#) was published in relation to Commercial Actions. Please refer to this for guidance.

Commercial Actions are not part of the KMT, so motions must be in Form 23.2. However, motions are accepted via email, as well as at the counter or by fax. Please email commercial motions into the generic inboxes:

Commercial Section – gcs@scotcourts.gov.uk

Commercial Clerks – commercial@scotcourts.gov.uk

Petition Department

Lodging a Petition

The following parts of process must be lodged when presenting a new Petition for registering:

- 1) Petition
- 2) Certified Copy Petition
- 3) Interlocutor Sheet
- 4) Motion Sheet
- 5) Minute of Proceedings
- 6) Inventory of Productions (if applicable)
 - Inventory of Process
 - Walling Copy

All backing sheets should be marked up with the agent's name and address, clipped securely, and productions numbered and securely fastened.

If your Petition is accepted and registered, you will receive a registration document stating that your firm has lodged the Petition and the date it has been registered.

Judicial Reviews

Please note the time limit for lodging a Judicial Review is 3 months from the date of the decision/action. If you seek to lodge a Judicial Review after this, a motion will be required to allow late lodging.

Please see Rule of Court [Chapter 58](#) and the Court of Session [Practice Note No.5 of 2015](#) for further information and guidance on Judicial Reviews.

First Orders

The usual practice for Petitions after they are registered is to go to the Clerk of Court for First Orders. This means that the Petition is considered as to whether an Interlocutor can be granted for Intimation and Service of the Petition. This step is automatic, so a motion is not required, unless you are seeking any other orders.

Execution of Service

An Execution of Service should be lodged once service has been executed. Certain types of Petitions have a time limit for lodging the Execution of Service, such as Judicial Reviews. If you are enrolling to grant the Prayer of a Petition, then the Execution of Service must be lodged.

Answers

In a Petition, Answers are usually due 21 days after service, however this can vary for different types of Petitions, so please ensure to check the Interlocutor. If your Answers are late, a motion will be required to allow late lodging.

Lodging a Note

A Note is basically a Petition within a Petition. Please be aware that the original process you are lodging the Note in is required at the section prior to presenting the Note. If the process is in the basement you will need to order it up prior to lodging. Once the process is in the department, you can then pass your Note to the counter staff.

The following parts of process must be lodged when presenting a new Note for registering:

- Note
- Certified Copy Note
- Inventory of Productions (if applicable)
- Motion
- Walling Copy

As Notes are lodged within the original process, the section manager will number up the Note, CC Note and productions. Please be aware that the Note will be given a new case reference number.

Reference Number & Case Name

Please ensure you have the case reference number with you when attending at the Petition Department. Petition actions are not necessarily filed under the name of the petitioner, especially for company petitions, so having the case reference number will assist counter staff in locating the correct process.

Adoption and Permanence Orders

The Petition Department also deal with both Adoption and Permanence Orders. Due to the highly confidential nature of these types of actions, they are not entered onto our case management system. Please ensure you have the case name, and initials of the child(ren) when attending at the counter.

Caveats

Caveats are lodged with the Petition Department, so please attend at the section counter and sign on the list. When you lodge your Caveat, counter staff will check the form has been filled in correctly and has been signed. Please note that the Court of Session does not deal with sequestrations any longer, so, if this is stated on your Caveat you will be advised that the court does not cover this type of action.

A style for Caveats can be found under Rule of Court [5.2](#).

Renewals

Caveats remain active for a year, and often agents choose to renew a Caveat as opposed to lodging a new one. When renewing a Caveat, please state the previous Caveat reference number as this will assist the department when putting on the Caveat. The renewal will become active the day after the previous Caveat has expired.

Caveat Receipts

Caveat receipts are issued each morning. Please note that, if you have lodged a Caveat for renewal, you will not be issued a receipt until after the renewal has become active.

The receipts will be placed in agents' pigeon holes (you must remember to ask a member of staff to check for pigeon hole for the receipt), or posted out.

Inner House & Extracts Department

Inner House & Extracts deal with actions from the Outer House that have been reclaimed, along with appeals from other courts, e.g. Tribunals.

Reclaiming Motion

When enrolling a reclaiming motion, this must be done at the original section in the Outer House. Counter staff will check your motion is on time, and lodge the Reclaiming Prints. Time limits for lodging a reclaiming motion vary, so check your firm has informed you of the last day for enrolling. Please see Rule of [Court 38.2](#) for time limits. If leave to reclaim is required, a motion seeking leave must be enrolled at the original section. If leave to reclaim is granted you will then be able to proceed to lodge Reclaiming Prints.

The Inner House Section requires 4 copies of the Reclaiming Print. The Reclaiming Print must contain a contents page, the most up to date pleadings, copies of all Interlocutors of the cause and, if applicable, a copy of the Opinion. Please note that, when cases are reclaimed, all Outer House Productions must be borrowed out by parties before the process can be transmitted to the Inner House section.

New Appeal

When lodging a new Appeal, the Inner House section require the principal Appeal, certified copy Appeal, and 3 additional copies, along with the other usual parts of process.

New Leave to Appeal

When lodging a new Leave to Appeal, the Inner House section require the principal Leave to Appeal, a certified copy, plus 1 additional copy, along with the usual parts of process.

Single Bill

A motion in the Inner House is referred to as a Single Bill. Motions must be enrolled in Form 23.2. A Single Bill in an Appeal is heard before 3 Inner House Judges; in Leave to Appeal actions the hearing is before 1 Inner House Judge.

Lodging Documents

Please note that Inner House cases require additional copies of documents (except motions and letters – only 1 copy is required). In an Appeal action, an additional 3 copies are required; in a Leave to Appeal action, 1 additional copy is required.

[Practice Note 3 of 2011](#) provides guidance for the lodging of documents in Inner House cases.

Hearings

Please note, Inner House business takes priority over Outer House business, therefore agents are not able to simply discharge and re-fix an Inner House hearing due to counsel having other business in the Outer House that day.

The Inner House & Extracts Department also deal with the following:

Simplified Divorces

- Forms for the different types of Simplified Divorces are available on the Scottish Courts and Tribunals Service website.

Copy Divorce Extract

- When requesting a copy of a divorce extract, please ensure the divorce took place at the Court of Session. After 1984 divorces were able to take place at Sheriff Courts;
- Please provide the names of the individuals, and the date of divorce. If you have not got the exact date, please provide an approximate year.

Calling-Up Notices

- These should come in with a covering letter, the principal Calling-Up Notice, along with a copy. The copy notice will be endorsed and returned to you; the principal copy is kept by the Court. There is a 24 hour turn around for processing Calling-Up Notices.

Sheriff Appeal Court (Civil)

The Sheriff Appeal Court (SAC) deals with actions in which an appeal is lodged against the decision of a sheriff.

New Appeal

A new appeal is made by lodging a note of appeal on Form 6.2 within 28 days of the date of the sheriff's decision. Where a copy of the sheriff's note is available, a copy should be appended along with a copy of the interlocutor containing the decision appealed against. The following parts of process are also required: an inventory of process, motion file and minute of proceedings. Please refer to the Schedule at the back of Practice Note 2016 for a template style to be followed.

Lodging Documents

Please note that, as well as the usual practice of lodging documents, the SAC require additional copies of any document lodged. In a Standard appeal, an additional 3 copies are required; in an Accelerated appeal, 1 additional copy is required. Documents **must** be held together securely, either bound or in ring binders, and should be paginated in accordance with our Practice Note.

Electronic Motions

Electronic motions must be enrolled with the SAC on Form 13.1 before 12.30 on court day 4. All parties within the appeal **must** be registered for the transacting of business electronically in the Sheriff Appeal Court. The list of parties registered for electronic intimation can be found on our website here:

<http://www.scotcourts.gov.uk/the-courts/sheriff-appeal-court/sheriff-appeal-court--civil>

Chapter 13 of the Sheriff Appeal Court Rules 2015 sets out the procedure to be followed for the electronic submission of motions.

Written Motions

Written motions must be enrolled with the SAC on Form 14.1 along with a certificate of intimation on Form 6.5. Chapter 14 of the Sheriff Appeal Court Rules 2015 sets out the procedure to be followed for the lodging of written motions.

Permission to Appeal to the Court of Session

An application for permission to appeal to the Court of Session should be made on Form 11.2 and lodged with the SAC within 14 days after the date on which the Court gave its decision on the appeal.

Please note that an application to appeal to the Court of Session must meet the requirements as set out in Section 113(2) of the Courts Reform (Scotland) Act 2014.

Fees

The Sheriff Appeal Court Fees Order can be found on our website here:

<http://www.scotcourts.gov.uk/taking-action/court-fees>

Court Motions Team (part of the KMT)

The CMT deal with motions enrolled by way of email for Personal Injury, Ordinary and Family actions.

CMT allow for the following arrangements:

- Enrolling motions by email;
- Advising agents by email when an opposed/starred motion will be heard in court so arrangements can be made by agents for counsel to appear;
- Allow for the disposal of routine motions by CMT on the date of enrolment;
- Email a copy of the interlocutor to agents;
- Email out updated timetables and/or events created in relation to the motion.

Email Addresses

Motions should be enrolled to the CMT email address:

courtofsession.motions@scotcourts.gov.uk

All motions must be intimated to the generic email addresses of all parties involved within the action prior to enrolling. A [list of all agents](#) signed up to the CMT is available on the Scottish Courts and Tribunals Service website.

Forms

Motions Form 23.1C

Opposition Form 23.1D

Dispensing with intimation

Any motion seeking to dispense with the period of intimation must be of consent by other parties. Consent must be obtained and marked on the motion accordingly, and attached when the motion is enrolled.

Timeline for Un-starred Motions

Day 1 by 5pm	Motion intimated to all parties within the action
Day 3 by 5pm	Any opposition to the motion is intimated to the party enrolling the motion
Day 4 by 12:30pm	Motion & opposition or consent, enrolled with CMT
Day 4 by 5pm	Interlocutor written & sent to agents if non-judge motion. Interlocutors that require signature by a judge will be sent out to agents once they are returned to CMT, usually the following day, Day 5

Old-style Motions – Form 23.2

Motions enrolled in Commercial, Inner House and Petition actions must be in Form 23.2. This also applies if an agent or party litigant is not part of the CMT.

Enrolling

Motions in Form 23.2 can be enrolled at the section's counter, by fax, or posted in.

The fax number is 0131 240 6746

Motions in Commercial Actions can be enrolled by way of email, in Form 23.2. Please email to the following generic addresses:

Commercial Section – gcs@scotcourts.gov.uk

Commercial Clerks – commercial@scotcourts.gov.uk

Time limits

- Motions must be enrolled by 4pm. If you arrive at the counter close to the 4pm deadline, please make the counter staff aware;
- Motions will be considered 2 days after they are enrolled;
- Oppositions must be in Form 23.4. The deadline for opposing an old-style motion is by 12:30pm the day after enrolment of the motion;
- If a motion is opposed, it becomes a Starred Motion. Opposing agents should inform the court of the estimated length of the opposed motion hearing; this will assist the Keepers Office when allocating.

The Keeper's Office (part of the KMT)

The Keeper of the Rolls is responsible for preparing the programme of the Supreme Courts and for managing and allocating court business.

[The Rolls](#) are the lists of the business of court, published daily. The weekly Roll, showing business for the following week, is published on a Thursday.

The Rolls contain certain information on specific days of the week according to Practice, e.g. callings, the Adjustment Roll.

The Keeper's Office is also responsible for the fixing of substantive diets within the Outer and Inner Houses.

Certain diets can be fixed to accommodate the diaries of counsel representing parties. Representatives from all parties must attend at the Keeper's Office during fixing periods to arrange a mutually suitable date. Please remember the court diary may already be full, but the earliest possible date will be offered to you in the first instance.

Proofs in Ordinary actions with a duration of 4 days or less will be fixed for the first available date and not fixed to suit counsels' diaries.

Fixing times are:

Monday	10:30am – 12:30pm 2:30pm – 4:00pm
Wednesday & Friday	10:00am – 12:30pm 2:30pm – 4:00pm

**Please note that fixing is restricted to these times,
and fixing over the phone is not possible**

Glossary of Terms



Abandonment	A procedure by which a party gives up civil proceedings or an appeal
Absolvitor	The judgment pronounced when a court decides in favour of a party against whom an action has been raised
Action	Proceedings raised by a person in a civil court, seeking enforcement of a legal right
<i>Ad Interim</i>	In the meantime
Adjust	To alter the written basis of an action in its early stages
Advising	When a judgment of the Court of Session is delivered/issued
Advocate	A member of the Scottish Bar
Affidavit	A signed statement, made under oath
Aliment	Support of maintenance of a spouse or child enforceable by law
Answers	Statement setting out factual and legal response of a party to proceedings raised against him or her
Appeal	Re-hearing of a case by a higher court than the court that first heard the case. This is the Inner House at the Court of Session
Appearance	The formal act where by the defender in an action intimates intention to defend
Assolizies	To absolve or decide finally in favour of the defender
<i>Avizandum</i>	To be considered. Judgment is deferred, an oral or written decision to be given later

By Order	A hearing of a case put out at the request of the court
Calling List	List of cases calling in the Court of Session that day
Caution	Security in civil matters
Caveat	A legal document lodged by a party so certain orders or ruling affecting them may not be granted in their absence without receiving prior notification
Conclusion	Statements in a Summons stating the precise order(s) sought
Condescendence	Part of the pursuer's written case which contains a statement of the facts on which they rely
Counsel	A member of the Faculty of Advocates practising at the Scottish Bar
Decern	Final Decree or Judgment, formerly, but no longer necessary, to warrant the issue of an extract copy of the Judgment
Decree	Common term for the final judgment
Defences	The defender's written answers to the summons of the pursuer
Defender	A person who disputes the claim of the pursuer and lodges defences
Diet	Date for hearing of a case for any one of a variety of purposes, fixed by the Court
Extract	Written instrument signed by the Extractor, containing a statement of a decree and, if necessary, a warrant to charge the debtor and to execute all competent diligence against person or property
Inner House	The Civil Appeal Court
Instance	The part of the Summons or Writ in which the parties to the action are identified

Interlocutor	A formal order made by a court containing its decision
Interdict	A court order preventing someone from doing something
Inventory of Process	List of all documents lodged within the court process
Judgment	Decision of a court setting out its reasons, called an Opinion
Lord Ordinary	The title of a judge sitting in the Outer House of the Court of Session
Messenger-at-Arms	Officers whose function it is to execute civil warrants of the Court of Session
Motion	An application made in court to ask for an order during the course of an action
Note	Form of application to the court in existing proceedings
Opinion	Statement by a court or Judge setting out reasons for the decisions in a case
Outer House	Deals with first instance business in civil actions
Petition	A document by which court proceedings are initiated
Plea-in-Law	A short proposition at the end of a written case showing the legal remedy sought
Process	Court papers relating to a case
Production	An article produced and lodged as evidence
Proof	Hearing of evidence and legal submissions before a single judge, no jury
Proof Before Answer	Hearing of evidence on the facts before questions of law are determined

Prorogate	Continue or extend; further time is allowed to do something required by the court
Pursuer	Person suing in an action
Record	Statements of parties' respective claims lodged in the process. In Ordinary Actions - after pleadings have been finally adjusted, a Closed Record is then lodged. In Personal Injury Actions – the Record is lodged by the date set in a timetable
Repone	To restore a defender to position as a litigant when decree in absence has been given against them
Rolls	Official list of cases set down for a hearing. Published by the Keepers Office
Signet	Seal of the Court of Session. Applied to a Summons as authority to serve the Summons upon the defender(s)
Sist	(i) To stay/stop/pause a process (ii) To summon or call as a party
Starred Motion	A motion in the Court of Session for which appearance is required
Summons	Form of a writ in the Court of Session issued in name of the sovereign and containing a Royal mandate to Messenger-at-Arms to cite the defender to the Court of Session
Vexatious litigant	A person who takes proceedings primarily for the annoyance or embarrassment of the defender and whose activities in raising actions may be restrained by the Court of Session

A fuller list of definitions can be found on the Judiciary of Scotland website, which can be found [here](#).

Office Manager 0131 240 6743
Personal Injury, Ordinary,
Family & Commercial 0131 240 6878
Petition Department 0131 240 6747
Inner House & Extracts 0131 240 6748
Sheriff Appeal Court 0131 240 6888
Keepers Office 0131 240 6794
Court Motion Team 0131 240 6722
Fax Number 0131 240 6746

**Court of Session
Parliament House**

11 Parliament Square
Edinburgh
EH1 1RQ

DX 549306 Edinburgh 36

If you have anything you think would be useful to add
to this guide, please email Rachel Clarke:
rclarke@scotcourts.gov.uk

All pictures are taken from Google images

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