



SHERIFF APPEAL COURT

GUIDANCE IN RESPECT OF THE CONDUCT OF VIRTUAL HEARINGS

Introduction

[1] Further to previous guidance this document contains practical guidance in respect of virtual hearings in the civil Sheriff Appeal Court ("SAC").

Procedural Court

[2] From 9 November 2020 the SAC procedural court will transition to proceeding on a remote basis by using **Cisco Webex Meetings** software unless the Court directs otherwise. Telephone conference facilities will be available as a backup should technical difficulties be encountered and may also be used when the Court so directs.

[3] The civil procedural court will sit each fortnight commencing 9 November 2020 and all participants will join the proceedings by Webex video conferencing.

[4] All parties will be admitted to the virtual courtroom by the clerk. In order for the court to operate smoothly the clerk will finalise the running order immediately prior to the court beginning and before the Appeal Sheriff joins. Parties require to confirm with the SAC office by no later than 12noon on the business day prior to the court sitting that they will attend the hearing, which counsel or solicitor may appear on their behalf and whether an instructing solicitor or agent will be attending, and if so, the name of that person. They should at the same time provide an email address at which any such counsel, solicitor or agent can be contacted directly on the day of the hearing, should that be necessary. They should also advise the SAC office of any particular considerations which may be relevant to the running order of the Court.

[5] All papers required for the procedural hearing will be uploaded to an electronic folder and transmitted to the Appeal Sheriff one week prior to the procedural hearing. All documents to which parties propose to refer to must be lodged in electronic format attached

to an email addressed to this mailbox - SAC.civil@scotcourts.gov.uk as directed by the Court or no later than by close of business one week prior to the hearing.

[6] Those intending to attend a virtual procedural hearing and whose attendance has been properly intimated will require to join the proceedings by Webex or, if that is not possible, dial in and enter the virtual court lobby not later than 10 minutes prior to the beginning of the hearing. Participants will require previously to have ensured that the equipment they are using, such as laptop, mobile phone, tablet etc. is in working order and that Webex Meetings can be accessed on it, that there is sufficient charge in the device and a charging socket is available if necessary. Guidance on joining the hearing and testing of equipment will be provided to those intimating an intention to participate. It is important that they have tested their equipment and connectivity at least one day before their first participation.

[7] The virtual SAC procedural court must be treated the same as a physical court. Those attending a virtual court are subject to the same rules as if they were present in Court. Recording of proceedings is prohibited. Participants must be appropriately dressed for a court hearing, ensure that they are connecting to the court from a suitably private location and that there will be no risk of disturbance to the running of proceedings. When participants are not speaking they should mute their microphone to avoid interference or feedback.

[8] The virtual SAC procedural court can be accessed at the following address:

<https://scotcourts.webex.com/meet/sac.civil>

Please be advised that multiple parties will be in attendance in the virtual courtroom at the same time attending their respective hearings. Prior to the court beginning the clerk will ascertain if there are any preliminary matters to be dealt with and finalise a running order. Once the Appeal Sheriff has joined the virtual courtroom each case will be taken in that order. Only those participants who are actively engaged in a case should ensure that their video and microphone are enabled. All other participants should ensure that their microphone is muted and that their video is disabled until the case in which they have intimated an interest is called by the clerk.

[9] In the event a case must be heard in chambers all participants who have not intimated an interest in the case will be temporarily placed into the virtual lobby by the clerk until such times as the matter has been dealt with.

Substantive Appeal Hearings

[10] Appeal hearings in the civil Sheriff Appeal Court will take place by way of **Cisco Webex (Events)** software unless the Court directs otherwise. Telephone conference facilities will be available as a backup should technical difficulties be encountered and may also be used when the Court so directs.

[11] Cisco Webex (Events) software uses the following terminology which should be noted:

- (1) **Host** - this is the individual who is responsible for co-ordinating and controlling the virtual hearing. Normally this will be the Clerk of Court to the Sheriff Appeal Court;
- (2) **Panellist** - this is an individual who is able to interact with the other participants to the virtual hearing. The panellists will usually be the Appeal Sheriffs, the Clerk, the agents/counsel or the party if they are not represented.
- (3) **Attendee** - this is an individual who is able to view or listen to the virtual proceedings without having the ability to interact with the panellists. This function could be used by members of the public or the press.
- (4) **Practice Session** - this is a subconference within a virtual hearing which attendees are unable to view or listen to.

[12] The Appeal Hearing will proceed, insofar as possible, in the normal way but the following points should be noted and followed:

- (1) At 10:15am (or other time as advised by the clerk) agents and counsel, if instructed, should join a practice session using the link provided in the invitation email. This practice session will be used to check the software is working correctly and will enable any other matter to be raised with the clerk;
- (2) At 10.30am (or other time as advised by the clerk) the bench will join the practice session. The clerk will then move the practice session to a live hearing and the appeal will commence. The clerk will then call the case and the bench will deal with any preliminary matters.

- (3) When an adjournment or break is required the clerk will initiate a practice session. Once in a practice session panellists should mute their microphones and disable video for the duration of the adjournment. Panellists should then re-enable those functions at the agreed time or when advised to do so by the clerk. The clerk will then move from a practice session to the live hearing.

Court Dress at virtual hearings

[13] It is not expected that counsel or solicitors will wear wigs or gowns at a virtual hearing (whether procedural or substantive). Practitioners are expected to dress in an appropriate manner and to maintain equivalent standards of behaviour as if they were attending the court physically.