



Coronavirus

Guidance in respect of Civil Business

No. 20 of 2020

This guidance sets out the arrangements for the management of civil business in the Sheriffdom of Glasgow & Strathkelvin with effect from Tuesday 8 September 2020. It supersedes "*Coronavirus – Guidance in respect of Civil Business No. 18 of 2020*" of 26 June 2020.

General

1. The attention of practitioners is drawn to Practice Note No 1 of 2006¹, the provisions of which should be utilised wherever possible.
2. All documents in relation to new and existing civil cases should be lodged electronically in accordance with either (i) the provisions of "*Coronavirus - Guidance in respect of the Electronic Submission of Documents No. 17 of 2020*" dated 24 June 2020²; or (ii) in the case of simple procedure cases only, by way of the Civil Online portal.
3. Any documents lodged electronically which would normally attract a fee must be accompanied by the account number to which the fee is to be charged.
4. Save in respect of proofs and evidential hearings, unless the court directs otherwise, attendance at all hearings will be by electronic means. If a party contends that a hearing by electronic means would prejudice the fairness of

¹ See http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/sheriff-court/glasgow-and-strathkelvin/pn01_2006.pdf?sfvrsn=11

² See [http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/coronavirus-temp-orders/glasgow-orders/coronavirus-guidance-\(no-17\)-\(electronic-submission-of-documents-\(24-06-20\).pdf?sfvrsn=2](http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/coronavirus-temp-orders/glasgow-orders/coronavirus-guidance-(no-17)-(electronic-submission-of-documents-(24-06-20).pdf?sfvrsn=2)

proceedings or otherwise be contrary to the interests of justice they shall make application by motion for a direction that parties attend in person. Should any party fail to lodge the note required by paragraph 7 below, they must attend any hearing in person. Failure to do so may result in the case being dealt with in their absence.

5. All correspondence with the sheriff clerk should be by e-mail, using the e-mail addresses set out in Appendix 1 below.

Representation

6. To facilitate the attendance of parties by electronic means the court must be provided with contact details for parties' representatives or, in the case of a party litigant, the party.
7. In each civil action, all parties shall lodge with the sheriff clerk by no later than the earlier of (i) 2 working days after the action is defended; or (ii) 5 working days prior to the first hearing, a note setting out:
 - a. the name of the individual representing the party or, in the case of a party litigant, confirmation that the party is self-represented (each of which is hereinafter referred to as "the representative");
 - b. the representative's direct telephone number; and
 - c. the representative's direct e-mail address
8. A copy of the note referred to in the foregoing paragraph shall, at the time of lodging with the sheriff clerk, be sent to all other parties participating in the action.
9. Where the identity of the representative or any of his or her contact details change an updated note shall be lodged with the sheriff clerk (and sent to all other parties participating in the action) forthwith.

Case Management

10. All defended ordinary actions; summary applications; and family actions will be assigned to a nominated sheriff for the purposes of case management.

11. Insofar as practicable, all hearings in defended ordinary actions; summary applications; and family actions will be conducted by the nominated sheriff.

Ordinary Court

12. The court will permit participation at peremptory diets by electronic means. Should a party wish to participate by electronic means they shall lodge with the sheriff clerk a note in accordance with paragraph 7 above no later than 5 working days prior to the peremptory diet.
13. In the event of parties reaching an agreed position in any case assigned for the ordinary court, that position should be intimated to the sheriff clerk by e-mail as soon as possible to enable hearings to be discharged administratively and for agreed orders to be made (if the court deems the orders sought as appropriate), wherever practicable.

Applications for the Enforcement of Security over Residential Property

14. In all summary applications for the enforcement of security over residential property within the meaning of Part IV of Chapter 3 of the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999, any hearing previously assigned (including, for the avoidance of any doubt, any evidential hearing) will be discharged and the application sisted until further order of court.

Motions

15. Motions shall be lodged by e-mail and shall be accompanied by written submissions setting out the grounds upon which it is said that the motion should be granted.
16. Where a motion is opposed the notice of opposition shall be accompanied by written submissions setting out the grounds of opposition.
17. Should a motion be opposed a hearing will not automatically be assigned. In the first instance, parties will be invited to consider whether the motion is capable of being disposed of on the basis of the written submissions lodged.

18. If a motion is not to proceed on the basis of written submissions a hearing will be assigned.
19. Insofar as practicable, opposed motions will be heard by the sheriff nominated in terms of paragraph 10 above.

Debtors / Miscellaneous Court

20. The debtors / miscellaneous court will continue to sit each Friday.
21. The court will permit participation in the debtors / miscellaneous court by electronic means or written submissions. Written submissions must be lodged no later than 4 pm on the Wednesday prior to the calling of the case.
22. Should a party wish to participate in the debtors / miscellaneous court by electronic means, they shall give notice to that effect to the sheriff clerk by no later than 4 pm on the Wednesday prior to the calling of the case.

Adults with Incapacity Court

23. The Adults with Incapacity ("AWI") court will continue to sit each Wednesday (within Glasgow Sheriff Court) until further notice.
24. The court will permit participation in the AWI court by electronic means or by written submissions. Written submissions must be lodged no later than 4 pm on the Monday prior to the calling of the case.
25. Should a party wish to participate in the AWI court by electronic means, they must give notice to that effect to the sheriff clerk by no later than 4 pm on the Monday prior to the calling of the case.

Simple Procedure

26. Case management discussions will continue in all defended actions.
27. The court will permit participation in case management discussions by electronic means. Should a party wish to participate by electronic means they shall give notice to that effect to the sheriff clerk no later than 5 working days prior to the case management discussion.

Heritable Court

28. The court will accept new heritable actions for warranting.
29. The court will accept incidental applications to recall the sist in heritable cases previously sisted by the court. Any such incidental application shall be accompanied by written submissions setting out the grounds upon which it is said that the incidental application should be granted.
30. In accordance with rule 5.9(c) of the Summary Cause Rules 2002, I approve the form set out in Appendix 2 to this Practice Note and direct that a copy of it should be included in the envelope containing a defender's copy of a summons.
31. The court will permit participation in hearings on the calling date in heritable actions by electronic means. Should a party wish to participate by electronic means they shall give notice to that effect to the sheriff clerk no later than 5 working days prior to the hearing.

Summary Cause

32. The court will accept new summary cause actions for warranting.
33. The court will accept incidental applications to recall the sist in summary cause actions previously sisted by the court. Any such incidental application shall be accompanied by written submissions setting out the grounds upon which it is said that the incidental application should be granted.
34. The terms of paragraph 30 above apply to all summary cause actions.
35. The court will permit participation in hearings on the calling date in summary cause actions by electronic means. Should a party wish to participate by electronic means they shall give notice to that effect to the sheriff clerk no later than 5 working days prior to the hearing.

Social Work Referrals

36. Social work referral procedural courts will continue as programmed. Proofs will be assigned where appropriate.
37. The court will permit participation in social work referral procedural courts by electronic means or by written submissions. Written submissions must be

lodged no later than 4 pm on the Thursday prior to the calling of the case.

Written submissions lodged after that time will not be accepted by the court.

38. Should a party wish to participate by electronic means they shall give notice to that effect to the sheriff clerk by no later than 4 pm on the Thursday prior to the calling of the case.
39. The court will give effect to agreements reached by parties in respect of cases assigned to call within the social work referral procedural court without the necessity of appearance, if the court deems the orders sought as appropriate. Parties may communicate agreed positions to the sheriff clerk by no later than 4 pm on the Thursday prior to the court.
40. Applications to extend interim compulsory supervision orders will be dealt with administratively if parties are in agreement.
41. In the absence of written submissions or an agreed position, social work referral procedural cases will call in court.

Adoptions & Permanence Orders

42. The adoption and permanence order court will continue as programmed.
43. The court will permit participation in the adoption and permanence order court by electronic means or by written submissions. Written submissions must be lodged no later than 4 pm on the Thursday prior to the calling of the case. Should a party wish to participate by electronic means they must give notice to that effect to the sheriff clerk by no later than 4 pm on the Thursday prior to the calling of the case.

Sheriff Principal C.D.Turnbull

1 September 2020

APPENDIX 1

All correspondence with the sheriff clerk should be by e-mail, using the e-mail addresses set out below:

Ordinary Actions / Summary Applications

glasgowcivil@scotcourts.gov.uk

Family Actions

glasgowfamilyactions@scotcourts.gov.uk

Debtors / Miscellaneous

glasgowcivil@scotcourts.gov.uk

Adults with Incapacity

glasgowawi@scotcourts.gov.uk

Summary Cause (including Heritable)

glasgowsummarycause@scotcourts.gov.uk

Simple Procedure

glasgowsimpleactions@scotcourts.gov.uk

Social Work Referrals

glasgowsocialworkreferrals@scotcourts.gov.uk

Adoption & Permanence Orders

glasgowsocialworkreferrals@scotcourts.gov.uk

All Other Matters

glasgowcivil@scotcourts.gov.uk

APPENDIX 2

Summary Cause Approved Document In Accordance With Rule 5.9(c)

NOTE:

The Coronavirus (Scotland) Act 2020 suspends the requirement for physical attendance at court unless the court directs otherwise.

If you wish to appear by electronic means (which will be by telephone conference call) you must give notice of that to the sheriff clerk's office by no later than 12 noon on [FIVE WORKING DAYS PRIOR TO CALLING] and provide the following information:

- The name of the case and court reference number
- Your name
- A telephone number upon which you can be contacted by the court between 10am and 4pm on [DATE OF CALLING].

The information should be provided by e-mail to glasgowsummarycause@scotcourts.gov.uk. Any documents you wish to place before the court should be sent to the aforementioned email address at the time of notification of your intention to appear by electronic means.

Alternatively, the court will accept written submissions which must be lodged electronically with the sheriff clerk (by e-mail to the address set out above) by no later than [TWO WORKING DAYS PRIOR TO CALLING].

The following naming convention should be used in the subject line of any e-mail lodging electronic documents in process: Case name - Case Reference number - Nature of Document (e.g. A Smith v B Jones – A908-20 – Written Submissions).