



SHERIFFDOM OF LOTHIAN AND BORDERS

COVID-19

GUIDANCE IN RESPECT OF CIVIL BUSINESS

Introduction

[1] The purpose of this guidance is to facilitate the efficient disposal of certain categories of civil business in the courts within Lothian and Borders during the current COVID19 emergency. This guidance has effect from 1 May 2020.

[2] The UK and Scottish Government measures to address COVID19 must be complied with. The court is operating with significantly reduced staff resource to support urgent and necessary civil business and criminal business. The Coronavirus (Scotland) Act 2020 ("the 2020 Act") suspends the requirement for physical attendance at court unless the court directs otherwise. Arrangements have recently been put in place to enable certain categories of sheriff court civil business to be restarted and, if appropriate, progressed remotely. The Guidance can be accessed using this link: <http://www.scotcourts.gov.uk/docs/default-source/default-document-library/coronavirus-guidance---progressing-certain-categories-of-civil-business-29-04-20.pdf?sfvrsn=2>

[3] Schedule 4 Part 1.1 of the 2020 Act enables the use of electronic signature and electronic transmission of court documents. Where a document requires to be signed electronic signature will be accepted in accordance with schedule 4.

[4] All hearings will be conducted remotely until further notice.

Urgent business

[5] Urgent ordinary, family, adoption/permanence, personal injury, insolvency and AWI business including urgent motions and all caveats for the courts within Lothian and Borders should be emailed to:-

UrgentLandB@scotcourts.gov.uk

Please do not use this email address for non-urgent business.

[6] The urgent L&B mail box will be monitored during working hours and urgent business put before a sheriff for consideration. Urgent matters relating to children, interim interdicts and other urgent business on cause shown will be prioritised.

[7] Do not email any urgent business or motion to multiple email addresses. This will simply slow down the service that the court can provide by inhibiting the staff from focussing on the truly urgent business.

Non-urgent civil business

[8] All **non-urgent** ordinary, family, personal injury, commercial, AWI, children's referral and simple/summary cause business intended for Edinburgh Sheriff Court should be emailed to the following generic mail boxes:

General Enquiries:	edinburgh@scotcourts.gov.uk
Personal Injury:	edinburghpersonalinjury@scotcourts.gov.uk
AWI:	edinburghawi@scotcourts.gov.uk
Commissary:	CRU@scotcourts.gov.uk
Commercial:	edinburghcommercial@scotcourts.gov.uk
Family:	edinburghfamily@scotcourts.gov.uk
Children's Referrals:	edinburghreferrals@scotcourts.gov.uk
Ordinary Cause:	edinburghordinary@scotcourts.gov.uk
Simple Procedure/Summary Cause:	edinburghsummcause@scotcourts.gov.uk

(Please note that electronic submission of documents in simple procedure cases should be made via civil online and not sent by email)

Any non-urgent matters intended for Livingston or Borders Courts should continue to be directed to the respective home courts via their local mailboxes (see below) where they will be processed when restrictions and resources allow. Do not send non-urgent business intended for these courts to any of the Edinburgh mail boxes listed above.

Livingston Sheriff & JP Court – Livingston@scotcourts.gov.uk

Selkirk Sheriff & JP Court – Selkirk@scotcourts.gov.uk

Jedburgh Sheriff & JP Court – Jedburgh@scotcourts.gov.uk

Due to significantly reduced staff resource and due to the requirement to prioritise urgent matters, non-urgent matters will take longer to be progressed.

Civil Business – 'Restart Applications'

[9] Applications to 'restart' ordinary, family and commercial actions; adults with incapacity applications and liquidation proceedings sisted by the court *ex proprio motu*: administratively adjourned to a date on or after 1 June 2020 or in respect of which no further order was made must follow the national guidance issued. Applications must be presented in the form provided in Appendix 1 to the guidance together with any associated documentation. An application should only be made if the applicant is of the opinion that it can be progressed remotely in accordance with the procedures set out in the guidance. Only actions that can be progressed remotely will be restarted. Any application to restart an action must be sent by email to the dedicated email address for the court in which the action ordinarily proceeds. The email must be clearly marked "APPLICATION TO RESTART" and the heading shall include both the court reference number and the names of the parties.

[10] The dedicated email address for applications to restart are set out below:

RestartEdinburgh@scotcourts.gov.uk

RestartLivingston@scotcourts.gov.uk

RestartSelkirk@scotcourts.gov.uk

RestartJedburgh@scotcourts.gov.uk

No fee shall be payable in relation to an application to restart.

All Scotland Sheriff Personal Injury Court (ASSPIC)

[11] Separate guidance remains in place for ASSPIC and this should be referred to. That guidance is subject to specific review and updates will be provided.

Mail Boxes

[12] The urgent L&B and Restart mail boxes will be monitored during working hours. Please note that there is a significant backlog of emails in the non-urgent mail boxes to be dealt with as urgent matters require to be prioritised.

Out of hours urgent business

[13] Normal out of hours provision will continue to apply.

Mhairi M. Stephen

Sheriff Principal of Lothian and Borders

30 April 2020