

Coronavirus

Guidance in respect of Civil Business

No. 1 of 2020

This guidance sets out the arrangements for the management of civil business in the Sheriffdom of Tayside Central and Fife with immediate effect.

General

Unless otherwise provided for in this guidance, the court will make the orders set out below without the necessity of appearance.

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.

All new actions, summary cause applications, simple procedure causes and summary applications should be sent in the normal way to the local court. Any action in which time bar may be an issue and which emanates from Dundee, Forfar and Perth Sheriff Court districts should be lodged in Dundee Sheriff Court and those emanating from Alloa, Dunfermline, Falkirk, Kirkcaldy and Stirling Sheriff Courts should be lodged in Falkirk Sheriff Court. The sheriff clerk at Dundee will accept the Perth and Forfar timebar actions for warranting and the sheriff clerk in Falkirk will accept Alloa, Dunfermline, Kirkcaldy and Stirling time bare actions for warranting. Any administrative work relating to the timebar cases will be dealt with in Dundee and Falkirk respectively.

Emergency applications

Emergency applications such as Adults with Incapacity applications, Social Work Referrals, Child Protection Orders and the like emanating from Dundee, Forfar and Perth Sheriff Court districts should all be raised in Dundee Sheriff Court and those emanating from Alloa, Dunfermline, Falkirk, Kirkcaldy and Stirling Sheriff Courts should be raised in Falkirk Sheriff Court until further notice. The sheriff clerk at Dundee will accept Perth and Forfar applications for warranting and the sheriff clerk in Falkirk will accept Alloa, Dunfermline, Kirkcaldy and Stirling applications for warranting. All administrative work relating to these cases will be dealt with in Dundee and Falkirk respectively, however in the current circumstances, there will inevitably be delays in processing until further notice.

Ordinary Proofs

No ordinary proofs will be assigned for a date prior to August 2020.

All previously assigned proofs will be adjourned to a date to be hereinafter fixed, which will be no earlier than August 2020. In each of these cases, the sheriff clerk will assign a pre-proof hearing to take place in July at which parties will be expected to advise the court on preparation for the proof. To ensure that actions are dealt with efficiently and are not constrained by rules of procedure, the sheriff may make such order as the sheriff thinks fit for the progress of the case.

Debates

No debates will be assigned for a date prior to August 2020.

All previously assigned debates will be adjourned to a date to be hereinafter fixed, which will be no earlier than August 2020.

All ordinary court cases will be continued for a period of 16 weeks until further notice.

First callings in respect of summary applications will be continued for a period of 16 weeks until further notice.

Peremptory diets will continue to call in the ordinary court. No peremptory diets will be assigned prior to 3 August 2020.

In the event of parties reaching an agreed position in any case, that should be intimated by email to the sheriff clerk at dundee@scotcourts.gov.uk as soon as possible to enable hearings to be discharged administratively and agreed orders being made (if the court deems the orders sought as appropriate), wherever practicable.

All Motions

Motions will be accepted by email and should be sent to dundee@scotcourts.gov.uk. Unless the motion is urgent, there will inevitably be delays in processing until further notice.

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 urgent and arises out of an emergency situation and if so whether it is capable of being disposed of by way of written submissions. Where a sheriff considers the motion is to proceed by way of written submissions the sheriff will make appropriate orders.

If the motion is presented to a court within the sheriffdom which is not the court of origin, the parties must provide the court with an electronic copy of the latest

version of the pleadings and electronic copies of all productions and other documents upon which they wish to rely along with the motion.

If the sheriff considers it essential to hear the parties' agents, rather than utilising written submissions, the sheriff clerk will notify agents accordingly but again parties should appreciate that the waiting time for a hearing may be considerably longer than normal.

Summary Cause, Summary applications and miscellaneous actions

The above court cases will be continued for a period of 16 weeks until further notice.

Simple Procedure

All simple procedure case management discussions and hearings will be adjourned and the case paused for 6 months from the date of the adjourned hearing.

Heritable Court

All heritable court cases will be sisted until further notice.

Summary Cause

All summary cause cases will be sisted until further notice.

Social Work Referrals

No proofs will be assigned for a date prior to August 2020.

The court will give effect to agreements reached by parties in respect of cases assigned to call within the procedural courts without the necessity of appearance. Parties may communicate agreed positions to the court by email to dundee@scotcourts.gov.uk.

All social work referral proofs will be discharged administratively and a new diet fixed for 12 weeks after the date or dates previously assigned.

Applications to extend interim compulsory supervision orders will be dealt with administratively if parties are in agreement.

Adoptions & Permanence Orders

All procedural callings of adoption and permanence order cases will be continued for a period of 16 weeks until further notice.

All adoption and permanence order proofs will be adjourned to a date to be hereinafter fixed, which will be no earlier than August 2020.

Family Proofs

All family proofs will be adjourned to a date to be hereinafter fixed, which will be no earlier than August 2020 and will be subject to a pre-proof hearing.

Other Family Cases

In all family cases in which a proof has not been assigned, any and all existing hearings will be discharged administratively and the case sisted until further order of court.

Sheriff Principal M W Lewis

24 March 2020