

## PRACTICE NOTE

No. 2 of 1997

### Flat, boxed Process

For an experimental period commencing on 23 September 1997 Rules of Court 4.1, 4.3, 4.4 and 4.5 will not apply.

In lieu thereof the following will apply:-

- (1) **Form, size etc. of documents forming the process [in lieu of Rule 4.1]**
  - (a) In an action or petition the principal writ or other writ bringing a cause before the court shall be in the appropriate or prescribed form; it and all steps of process, except motion sheets, shall be completed in writing, transcript or print on durable quality paper of A4 size and shall be backed and securely fastened with a two-piece filing clip.
  - (b) Motion sheets shall be in A4 size and consist of a backing sheet and two-piece filing clip.
- (2) **Steps of process [in lieu of Rule 4.4]**
  - (a) The process shall include the following steps enumerated thus:-
    - (1) the principal writ;
    - (2) certified copy principal writ;
    - (3) the interlocutor sheets;
    - (4) a motion sheet;
    - (5) a minute of proceedings;
    - (6) (number reserved for pursuer's productions)
    - (7) (number reserved for defender's productions)
    - Ø an inventory of process
  - (b) A step of process referred to in paragraph 2(a) above other than the principal writ, certified copy writ and motion sheet writ shall contain at least 2 pages.
  - (c) A step of process shall be assigned a number corresponding to (a) above where appropriate or another number consecutive thereto and said number shall be marked on the backing along with the cause reference number and recorded in the inventory of process.

(3) **Lodging of process [in lieu of Rule 4.3]**

- (a) A process shall be lodged in every cause commenced by summons or petition when -
- (i) in the case of a summons, the summons is presented for signetting; and
  - (ii) in the case of a petition, the petition is presented to the Petition Department.
- (b) (i) Subject to (b)(ii) below, a black process box shall be lodged by the agent for the pursuer or petitioner
- along with the Open Record prescribed by rule of court 22.1 in a cause commenced by summons or
  - within 3 days of answers having been intimated in a cause commenced by petition.
- (ii) A red process box shall be lodged by the agent for the pursuer
- within 3 days of defences having been intimated in a Commercial Action or
  - along with the Open Record prescribed by rule of court 22.1 in any cause relating to Intellectual Property.
- (c) A process box shall conform to the following specification:
- (i) of durable plastic with secure fastener;
  - (ii) depth 245 mm x width 60 mm x height 330 mm
  - (iii) with space for names of parties and a finger hole on its spine.

(4) **Productions [in lieu of Rule 4.5]**

- (a) On each occasion a production is lodged in process:
- (i) an inventory of productions shall be lodged in process; and
  - (ii) a copy of the inventory of productions shall be sent to every other party.
- (b) A production shall be:
- (i) marked with a number of process with the cause reference number assigned to the principal writ; and
  - (ii) if consisting of more than one sheet, securely fastened together.
- (c) Productions should be numbered as follows:

- (i) where there is only one pursuer, all pursuers' productions will be assigned number 6 of process and will be numbered consecutively thereafter e.g. 6/1-6/x;
- (ii) where there is only one defender, all defenders' productions will be assigned number 7 and will be numbered consecutively thereafter e.g. 7/1-7/x;
- (iii) where there are further pursuers/defenders another number of process will be assigned to each and productions should be enumerated as at (i) and (ii) above.