

Direction

No. 3 of 2009

Motions intimated and enrolled by means other than email

I, the Lord President of the Court of Session, under and by virtue of the powers conferred on me by rule 23.4(1)(a) (day and time for lodging notices of opposition to motions) and rule 23.6(1) (day of publication and hearing of motions) of the Rules of the Court of Session 1994, hereby make the following direction:-

1. Subject to paragraph 2, this direction applies to a motion which is intimated and enrolled in accordance with Parts 3 and 4 of Chapter 23 of the Rules of the Court of Session 1994.
2. This direction does not apply to a motion under any of the following rules:
 - (a) rule 23.8 (motions by pursuer before calling or petitioner before first order);
 - (b) rule 23.9 (motions where caveat lodged);
 - (c) rule 23.10 (motions by defender or other person before calling).
3. Where, after calling, a motion is enrolled during a term, the provisions of the following timetable shall apply subject to paragraph 4.

TIMETABLE

<i>Time for enrolment</i>	<i>Latest time for opposition</i>	<i>Day of publication in the rolls</i>	<i>Day of court hearing</i>
Monday 4 p.m.	Tuesday 12.30 p.m.	Tuesday	Wednesday
Tuesday 4 p.m.	Wednesday 12.30 p.m.	Wednesday	Thursday
Wednesday 4 p.m.	Thursday 12.30 p.m.	Thursday	Friday
Thursday 4 p.m.	Monday 12.30 p.m.	Monday	Tuesday
Friday 4 p.m.	Monday 12.30 p.m.	Monday	Tuesday

4. Where, in the case of an opposed motion, it is not possible for the motion to be heard in accordance with the timetable in paragraph 3, the motion will be put out for hearing at another date and time convenient to the court and, where possible, to the parties. Urgent motions will be dealt with on a priority basis.
5. The Keeper of the Rolls or clerk to the court shall intimate the date and time mentioned in paragraph 4 to the parties.
6. Where a motion is enrolled in session outwith a term or in vacation, the timetable in paragraph 3 shall apply subject to the following provisions:-
 - (a) there shall be no publication in the rolls of the motion; and

- (b) where a motion enrolled in a cause in the Inner House is one which-
- (i) may not be heard by the Lord Ordinary or the vacation judge; and
 - (ii) the day for hearing the motion would fall outwith a term or in vacation,
- the motion should be put out for hearing in the Single Bills on the earliest available day in the following term of the court.

7. Direction No. 4 of 1994 (Motions) and Direction No. 2 of 2007 (Motions in Certain Causes) are hereby revoked.

8. This direction shall come into force on 1st February 2010.

A.C. HAMILTON
Lord President of the Court of Session

Edinburgh
16th December 2009