

*General and administration*

**CHAPTER 3**

**OFFICES OF THE COURT**

**Office of Court**

**3.1.-** (1) The Office of Court shall comprise-

- (a) the General Department;
- (b) the Petition Department;
- (c) the Rolls Department;
- (d) the Extracts Department; and
- (e) the Teind Office;

but shall not include the office of the Accountant of Court or the Auditor.

(2) Each department of the Office of Court shall be under the charge of an officer who shall act under the direction of the Principal Clerk in consultation with the Lord President.

**General Department**

**3.2.-** (1) The General Department shall be under the charge of the Deputy Principal Clerk.

(2) There shall be lodged in the General Department all processes in-

- (a) causes originating in the court and initiated by summons or simplified divorce application;
- (b) appeals from inferior courts, remits from the sheriff court and the Sheriff Appeal Court, appeals, including references, submissions and applications of the nature of appeals under statute, stated cases and special cases;
- (c) causes transmitted from the sheriff court on contingency; and
- (d) appeals to the Lands Valuation Appeal Court.

(3) All processes lodged in the General Department shall be classified as-

- (a) ordinary actions;
- (b) Admiralty and commercial actions;
- (c) family (including consistorial) actions; or
- (d) lands valuation causes.

**Petition Department**

**3.3.-** (1) The Petition Department shall be under the charge of the Deputy Principal Clerk.

(2) There shall be lodged in the Petition Department all processes in causes which are initiated by petition.

**Rolls Department**

**3.4.-** (1) The Rolls Department shall be under the charge of the Keeper of the Rolls, who shall be assisted by a clerk of session known as the Assistant Keeper of the Rolls.

(2) The Keeper of the Rolls shall be responsible for keeping the rolls of the court in consultation with the Lord President, the Lord Justice-Clerk and the Principal Clerk.

## **Extracts Department**

**3.5.-** (1) The Extracts Department shall be under the charge of the Principal Extractor who shall be assisted by a clerk of session known as the Extractor.

(2) The Principal Extractor shall be responsible for extracting the acts and decrees of the court except those in teind causes.

(3) Subject to rule 3.6(3) (duties of the clerk of teinds), the Extractor shall be the Keeper of-

- (a) the Register of Acts and Decrees;
- (b) the Register of Edictal Citations and Executions of Diligence; and
- (c) the Register of Decrees in Consistorial Causes.

(4) As Keeper of the Register of Edictal Citations and Executions of Diligence, the Extractor shall-

- (a) record on the copy of the schedule of diligence received by him the date of its receipt at his office;
- (b) record the details of that schedule and its receipt in the register;
- (c) preserve that schedule and any citation for a period of three years from the date of receipt of the schedule or citation, as the case may be; and
- (d) make the register and schedules of diligence and citations executed on him available for inspection at his office during its normal business hours.

## **Teind Office**

**3.6.-** (1) The Teind Office shall be under the charge of a clerk of session known as the clerk of teinds.

(2) There shall be lodged in the Teind Office all processes which are dealt with by the Teind Court or the Lord Ordinary in teind causes.

(3) The clerk of teinds shall-

- (a) keep and index the records and processes in the Teind Office; and
- (b) be the Keeper of the Teind Rolls and the Keeper of the Minute Book of the Teind Court.

## **Registers kept by the Court**

**3.6.A.** Any register kept by the Court, whether or not under or by virtue of these Rules, may be kept either -

- (a) in documentary form; or
- (b) in electronic form (that is to say in a form accessible only by electronic means).

## **The Auditor**

**3.7.** The Auditor shall be responsible for the taxation of accounts of expenses in any cause.