

Coronavirus
Sheriffdom of North Strathclyde Guidance in respect of Civil Business
No 5 of 2020

Introduction

1. This guidance has effect from 8 July 2020 and will be subject to ongoing review.

2. All documents in relation to new and existing civil cases should be lodged electronically in accordance with Practice Note 2 of 2020 Electronic Submission of Documents dated 26 June 2020.

Representation

3. To facilitate the attendance of parties by electronic means the court must be provided with contact details for parties' representatives.

4. In each civil action, all parties shall lodge with the sheriff clerk by no later than the earlier of (i) 2 working days after the action is defended; or where that date has passed (ii) 5 working days prior to the next hearing, a note setting out:
 - a. the name of the individual representing the party or in the case of a party litigant, confirmation that the party is self-represented (hereinafter referred to as "the representative");
 - b. the representative's direct telephone number; and
 - c. the representative's direct e-mail address

5. Where the identity of the representative of any party changes an updated note shall be lodged with the sheriff clerk (and sent to all other parties participating in the action) forthwith.

Case Management

6. All defended ordinary actions; summary applications; and family actions will be assigned to a nominated sheriff for the purposes of case management.
7. Insofar as practicable, all hearings in defended ordinary actions; summary applications; and family actions will be conducted by the nominated sheriff.
8. Hearings previously arranged in ordinary actions including family actions and summary applications including those hearings which have been continued in terms of previous guidance, may be discharged and re-appointed at the direction of the nominated sheriff. Where the hearing is imminent, the nominated sheriff may not discharge the hearing but may, instead, issue direction on the arrangements for the hearing. In some instances the new arrangements may have already been intimated to parties. This paragraph does not apply to (a) hearings relating to the Enforcement of Security over Residential Property within the meaning of Part IV of Chapter 3 of the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 and (b), options hearings which are dealt with at paragraphs 9 and 11 below.

Applications for the Enforcement of Security over Residential Property

9. All summary applications for the enforcement of security over residential property within the meaning of Part IV of Chapter 3 of the Act of Sederunt

(Summary Applications, Statutory Applications and Appeals etc. Rules) 1999, any hearing previously assigned (including, for the avoidance of any doubt, any evidential hearing) will be discharged and the application sisted until further order of court. For the avoidance of doubt any party may make a motion to recall the sist and seek an order for further procedure. No motion fee shall be charged.

Summary Cause Actions

10. Where such actions are urgent they will on cause shown be progressed by the court.

Options hearings

11. The Coronavirus Sheriffdom of North Strathclyde Guidance in Respect of Civil Business No 2 of 2020 which had the effect of adjourning [all ordinary and family court business] options hearing for 8 weeks is no longer in force from 19 July. Options hearing fixed for any date from 20 July 2020 shall call on the date fixed as a virtual hearing or on such alternative dates as has been or may be fixed by the nominated sheriff.
12. To comply with rule 22.11 of the Ordinary Cause Rules and to facilitate the virtual hearing a party intending to insist on a preliminary plea shall 3 days before the Options Hearing lodge an electronic copy of a note setting out the basis of the preliminary plea and intimate said note to every other party,
13. To comply with rule 9.11.1 of the Ordinary Cause Rules and to facilitate the virtual hearing the pursuer shall not later than 2 days prior to the date of the Options Hearing lodge an electronic copy of the pleadings in the form of a record. Refer to Practice Note 2 of 2020 Electronic Submission of Documents.

14. If parties have in advance of an Options Hearing reached an agreed position on further procedure to follow from the Options Hearing this should be intimated by email to the relevant inbox as listed in Appendix 1 as soon as possible to enable hearings to be discharged administratively and for agreed orders to be made (if the court deems the orders sought as appropriate), wherever practicable.

Peremptory diets

15. Peremptory diets will recommence from 10 August. The court will permit attendance by electronic means. The interlocutor fixing the peremptory diet will narrate that the party required to attend or be represented at the peremptory hearing shall contact the clerk not later than 2 days before the hearing to confirm their attendance at said hearing and make arrangements therefor.

Motions

16. Motions shall be lodged by email to the relevant inbox as listed in Appendix 1.
17. A motion shall be accompanied by written submissions in support of the motion.
18. Where a motion is opposed the notice of opposition shall be accompanied by written submissions setting out the grounds of opposition.
19. 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 capable of being disposed of on the basis of the written submissions lodged.
20. If a motion is not to proceed on the basis of written submissions a hearing will be assigned.

21. Insofar as practicable, opposed motions will be heard by the sheriff nominated in terms of paragraph 7 above.
22. In the event parties in advance of the motion calling reached an agreed position this should be intimated by email to the relevant inbox as listed in Appendix 1 as soon as possible to enable hearings to be discharged administratively and for agreed orders to be made (if the court deems the orders sought as appropriate), wherever practicable.

Child Welfare Hearings

23. These shall proceed as directed by the sheriff. In most cases it is anticipated that that these will take place by way of written submissions or telephone conference.

Simple Procedure

24. All cases paused by Civil Guidance No1 will be restarted from 20 July and case managed by a nominated sheriff.

Sheriff Principal D L Murray WS
Sheriffdom of North Strathclyde
3 July 2020

Appendix 1

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|-------------|--|
| Campbeltown | campbeltowncivil@scotcourts.gov.uk |
| Dumbarton | dumbartoncivil@scotcourts.gov.uk |
| Dunoon | dunoocivil@scotcourts.gov.uk |
| Greenock | greenockcivil@scotcourts.gov.uk |
| Kilmarnock | kilmarnockcivil@scotcourts.gov.uk |
| Oban | obancivil@scotcourts.gov.uk |
| Paisley | paisleycivil@scotcourts.gov.uk |