

Scottish Courts and Tribunals Service



Scottish Courts and Tribunals Service HQ

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Iain Fraser
Chair of the R3 Scottish Technical
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BY EMAIL ONLY
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29 April 2020

Dear Mr Fraser

INSOLVENCY PROCESSES AND PROCEDURES THAT RELY ON THE SCOTTISH COURTS FOR PROGRESSION

I do apologise for the delay in responding to your letter of 20 April 2020. Before doing so I wanted to have a fuller picture of what civil business the SCTS is able to deliver in order to provide you with an up to date position which, in the past couple of weeks, has been constantly evolving.

In the interim we have been working hard, in collaboration with the Law Society of Scotland, to identify areas of civil business that can be progressed whilst continuing to follow the Government's stringent measures to slow the spread of the virus.

Regular updates have been provided to our service users via our website as the ever-changing situation progresses. We will continue to provide the most up to date information on our homepage and in more detail at the following link:

<http://www.scotcourts.gov.uk/coronavirus>

The update issued on 24 April highlights the successful launch of the virtual court for Inner House appeals and remote teleconference hearings in the Outer House of the Court of Session for procedural business. Rolls of Court are now published on a weekly basis. Arrangements for civil proceedings within the Sheriff Appeal Court were updated yesterday, confirming that new Notes of Appeal will be accepted and first orders issued. From 11 May procedural hearings are expected to be scheduled.

As far as sheriff court business is concerned we also advised on 24 April that along with Sheriffs Principal and the Law Society of Scotland, we have been assessing what civil business in the sheriff courts, beyond the urgent and necessary categories, can be carried out remotely where earlier resolution would be beneficial. We advised that for some types of business, including insolvency, some steps could be taken to progress actions.

Guidance on how such cases can be progressed has been issued this morning. I attach a link.

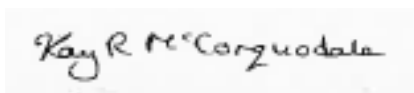
<http://www.scotcourts.gov.uk/docs/default-source/default-document-library/coronavirus-guidance---progressing-certain-categories-of-civil-business-29-04-20.pdf?sfvrsn=2>

As from 1 May 2020 a party may make an application to restart any corporate insolvency proceedings sisted by the court *ex proprio motu*; administratively adjourned to a date on or after 1 June 2020; or in respect of which no further order was made. The court may grant an order if satisfied that there is good reason why the action should be restarted and that the action can be progressed remotely without recourse to a hearing which requires the leading of evidence.

Whilst I appreciate this step does not encompass all the insolvency processes and procedures that you have identified I do hope that your members will find this procedure useful to progress those cases that fall within its remit.

You will appreciate that this is not a return to business as usual but the first step towards the resumption of civil business in the sheriff courts. Any return to a new normal will be on a phased basis as Government restrictions are eased and the exit strategy becomes clear.

Yours sincerely

A handwritten signature in black ink, reading "Kay R McCorquodale". The signature is written in a cursive style with a horizontal line underneath.

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