

**COURT OF SESSION**  
**GUIDANCE NOTE FOR PRACTITIONERS**

**17 APRIL 2020**

**COVID-19**

1. This guidance has effect from 21 April 2020 and will cease to have effect from 10 May 2020 unless extended. The guidance will be subject to ongoing review.
2. The purpose of this guidance is to facilitate insofar as is possible the efficient disposal of court proceedings in the Court of Session during the ongoing Covid-19 emergency.
3. Schedule 4 Part 1 1 of the Coronavirus (Scotland) Act 2020 enables the use of electronic signature and electronic transmission of court documents. Where a document requires to be signed electronic signature will be accepted in accordance with Schedule 4. Part 1 2 of Schedule 4 of the Act suspends the requirement for physical attendance at court unless the court directs otherwise. Under these provisions all hearings in the Court of Session will be conducted remotely until further notice.

*Inner House*

4. With effect from 21 April 2020 the Inner House will sit as an on-line court to hear civil appeals. Substantive hearings will proceed by way of WebEx video conference or written submissions.
5. Some substantive hearings that had been scheduled prior to 23 March 2020 will require to be discharged and rescheduled. Parties will be contacted by Division Clerks to arrange new dates. The Court will commence with hearing appeals previously scheduled for the week beginning 23 March.
6. From 21 April procedural hearings will proceed as scheduled. The preferred approach to conducting procedural hearings will be by way of written submissions. Where required procedural hearings may be conducted by way of WebEx video conference.

7. In all cases parties will be contacted directly by Division Clerks to confirm the manner in which hearings will be conducted and make the necessary technical arrangements. All remote hearing access codes will be provided to parties by Division Clerks. Separate guidance for the media who wish to observe WebEx video hearings is available on the SCTS website.
8. Where hard copy papers have already been lodged in actions that will be heard before 11 May parties are likely to be required to provide electronic copies of those documents. Division Clerks will advise where electronic documents are required.
9. All documents lodged in respect of current and new actions in the Inner House should be submitted by email. With effect from 21 April all emails relating to Inner House matters should be sent to [innerhouse@scotcourts.gov.uk](mailto:innerhouse@scotcourts.gov.uk). This email inbox will be monitored during working hours. Urgent matters will be prioritised. Due to significantly reduced staff resource non-urgent matters will take longer than usual to be progressed. Please note there is a backlog of emails in this mailbox to be dealt with.

### *Outer House*

#### *Commercial Court*

10. With effect from 21 April 2020 procedural hearings in the commercial courts will proceed as scheduled. The preferred approach to conducting procedural hearings will be by telephone conference call (teleconference). Hearings may proceed by way of written submissions with the agreement of the court. All parties will be contacted by a clerk of court to confirm the manner in which hearings will be conducted and make the necessary technical arrangements. All teleconference joining instructions and access codes will be provided by the clerk of court.
11. All documents required for procedural hearings in the commercial courts will require to be provided in electronic form. With effect from 21 April all emails relating to first instance commercial actions should be sent to [commercial@scotcourts.gov.uk](mailto:commercial@scotcourts.gov.uk). This email inbox will be monitored during working hours. Urgent matters will be prioritised. Due to significantly reduced staff resource non-urgent matters will take longer than usual to be progressed. Please note there is a backlog of emails in this mailbox to be dealt with.

### *Ordinary, Family, Personal Injury and Petition business*

12. With effect from 21 April 2020 most procedural hearings in Outer House actions will proceed as scheduled. Some By Order hearings (predominantly those arising from a failure to comply with a step of process, expired sists etc.) will be cancelled administratively and will come out again By Order on a future date.
13. The preferred approach to conducting procedural hearings will be by teleconference. Hearings may proceed by way of written submissions with the agreement of the court. All parties will be contacted by a clerk of court to confirm the manner in which hearings will be conducted and make the necessary technical arrangements. All teleconference joining instructions and access codes will be provided by the clerk of court.
14. All documents required for procedural hearings in the Outer House will require to be provided in electronic form. Where hard copy papers have already been lodged for procedural hearings that will call before 11 May parties are likely to be required to provide electronic copies of those documents. Clerks of court will advise where electronic documents are required.

### *Appearance at remote hearings*

15. Any party attending a court hearing by WebEx video or teleconference call is expected to maintain equivalent standards of behaviour as if they were attending the Court physically. Parties must ensure a quiet and secure space for their participation in the remote hearing.
16. As with other court proceedings, the recording of a court hearing conducted by video or teleconference call is not permitted without the consent of the Court.

### *Rolls of Court*

17. With effect from Friday 17<sup>th</sup> April a weekly roll will be published on the SCTS website. Initially this will detail Inner House procedural and substantive business and Outer House procedural business expected to call in the following week. A calling list will be added as soon as possible.

### *Mailboxes*

18. Urgent ordinary, family, personal injury and petition business, including urgent motions, and all caveats should continue to be emailed to

[CoSurgent@scotcourts.gov.uk](mailto:CoSurgent@scotcourts.gov.uk). **Please do not use this email address for non-urgent business.** The CoSurgent mailbox will be monitored during working hours and urgent matters put before a judge for consideration. Urgent matters relating to child abductions, interim interdicts and other matters on cause shown will continue to be prioritised.

19. All non-urgent ordinary, family, personal injury and petition business should be emailed to the following generic mailboxes:
  - Petitions department - [petitions@scotcourts.gov.uk](mailto:petitions@scotcourts.gov.uk)
  - Ordinary and Family departments - [gcs@scotcourts.gov.uk](mailto:gcs@scotcourts.gov.uk)
  - Personal injury actions - [personalinjuries@scotcourts.gov.uk](mailto:personalinjuries@scotcourts.gov.uk)
20. Monitoring of these inboxes will recommence with effect from 21 April. Emails will be dealt with in order of date received, commencing with correspondence received in the week beginning 23 March. The staff resource available to deal with non-urgent correspondence remains limited and it will take time for the backlog of correspondence to be dealt with. Updates on progress with dealing with non-urgent correspondence in all mailboxes will be issued on our Twitter account @SCTSSupremeCourts.
21. The CMT mailbox is being monitored intermittently but no unopposed motions are being processed at present due to reduced staff resource.
22. Normal out of hours provision will apply.

#### *Electronic documents*

23. All documents lodged in respect of current and new actions in the Court of Session should be submitted by email. This includes new summonses, petitions, appeals, motions and caveats. For the time being documents should not be lodged and correspondence should not be sent by post wherever this can be avoided. Further guidance on the lodging of hard copy documents will be issued in due course.
24. Initiating documents for new actions and documents that require to be lodged in accordance with a court timetable or interlocutor will be deemed to have been lodged with the Court on the date when the email with the document attached is received. Initiating documents in any ordinary, family, personal injury or petition actions that will become time-barred before 11 May should be emailed to [CoSurgent@scotcourts.gov.uk](mailto:CoSurgent@scotcourts.gov.uk)

25. In respect of productions, only inventories of productions should be lodged by email. Principal productions should not be lodged until further notice.
26. Please note that documents in excess of 20MB in size cannot be lodged by email. Wherever possible electronic documents should be kept to less than 20MB. Where this is not possible parties should liaise with the clerk of court dealing with their action to agree a way forward.

### *Cancelled business*

27. Any parties who had Outer House business scheduled to call before 21 April 2020 that was cancelled due to the COVID-19 outbreak should email [Keepers@scotcourts.gov.uk](mailto:Keepers@scotcourts.gov.uk) to advise that you require this business to be rescheduled in due course. (This will be predominantly business scheduled to call in the two weeks commencing 23 March and 30 March 2020.) While this inbox is being monitored you will not receive a response immediately due to limited staff resource. Please note that no fixing can be done at present.

### *Substantive hearings*

28. All hearings where witnesses are required will continue to be adjourned for the time being. Consideration is being given in the first instance to the resumption of Judicial Review substantive hearings. Further guidance will be issued when it is possible to resume these hearings.

### *Fees*

29. Where a fee is payable, it will be charged to your Court of Session account. If you do not have a Court of Session account, staff from the Offices of Court will contact you to take payment by debit/credit card over the telephone.

*Court of Session*

17 April 2020