



SHERIFFDOM OF LOTHIAN AND BORDERS

EDINBURGH SHERIFF COURT

PRACTICE NOTE NO 2 OF 2015

SHERIFF PERSONAL INJURY COURT

Motions etc. intimated and lodged by email

GUIDANCE FOR SHERIFFS AND PRACTITIONERS

I, MHAIRI MARGARET STEPHEN, QC, Sheriff Principal of Lothian and Borders in pursuance of the powers conferred by Section 27(2) of the Courts Reform (Scotland) Act 2004 hereby direct as follows:

1. This practice note has effect from 22nd September 2015.
2. The purpose of this practice note is to provide guidance in respect of the procedure for intimating motions, or consent or opposition to motions, by email in actions proceeding in the all-Scotland (Sheriff Personal Injury) court, in accordance with Chapter 15A of the Rules (as inserted by Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No.2) (Personal Injury and Remits) 2015). Chapter 15A applies where each party to such an action has provided to the Sheriff Clerk an email address for the purpose of transacting motion business.

3. An email address which is provided by a party or by an agent of a party for the purpose of receiving intimation of motions, or intimation of consent or opposition to motions must be in regular use. The provision of the email address for this purpose should be made to the Sheriff Clerk. Any declaration by an agent that they do not have suitable facilities for the purpose of transacting motion business should also be made, in writing, to the Sheriff Clerk.
4. The Sheriff Clerk at Edinburgh will maintain a list of all email addresses provided for this purpose which will be published on the Scottish Courts and Tribunals Service website. The Sheriff Clerk at Edinburgh will also maintain a separate list of those agents who have made a declaration that they do not have suitable facilities for the purpose of transacting motion business. That separate list will be published on the same website.
5. Where, in the case of an agent to a receiving party, the identity and separate email address of a fee earner or other person who is handling the matter for the agent is known, the lodging party should send any intimation required under Chapter 15A to that separate email address at the same time as sending it to the provided email address.
6. Where a party or an agent provides an email address for the purpose of transacting motion business, the same email address will be used for the purpose of sending interlocutors to that party or agent once a motion has been determined under the procedure contained in Chapter 15A.
7. Where a motion which is lodged by email in accordance with Chapter 15A refers to a document, or the court requires a document to be lodged with the motion, the document is to be attached to the motion in electronic form, using either “Word” or “pdf” format. Where such a document requires to be signed; a scanned signature will be acceptable.

8. Where any type of record or other document comprising 20 pages or fewer is attached to a motion lodged by email in accordance with Chapter 15A the necessary number of copies of that document will be printed at the court by court staff and lodged in the process of the action to which the motion relates.
9. Where any type of record or other document comprising more than 20 pages is attached to a motion lodged by email in accordance with Chapter 15A, one copy of the document will be printed at the court by court staff and lodged in process. Any necessary additional copies of the document will require to be lodged by parties on the following court day.
10. Subject to paragraph 11, where a motion lodged by email in accordance with Chapter 15A refers to accompanying productions, only the inventory of productions should be sent by email. The inventory of productions will be printed at the court by court staff and lodged in process. The productions should then be lodged by the lodging party on the following day.
11. Where a motion is opposed, the parties must lodge productions prior to the motion calling in court where they are relevant to the hearing. For example, the relevant productions must be lodged where a motion is made to allow those productions to be lodged late.
12. Where a party lodging a motion by email in accordance with Chapter 15A claims a fee exemption, the appropriate fee exemption form is to be attached, in electronic form, to the motion. The fee exemption form will be printed at the court by court staff and lodged in process.
13. A party or an agent may amend or withdraw an email address provided for the purpose of transacting motion business by sending a notice in writing to the Sheriff Clerk. Upon receipt of such a notice, the Sheriff Clerk will arrange to amend the email address on the list published on the Scottish Courts and Tribunals Service website or remove the email address from that list as soon as possible.

14. In the event of a failure of one or more electronic servers, resulting in delayed transmission or non-transmission of emails, the Court may treat a motion intimated or lodged in writing or by facsimile transmission as though it had been intimated or lodged in accordance with Chapter 15A.



Sheriff Principal Mhairi M Stephen QC
Sheriff Principal of Lothian and Borders
Edinburgh, 6 August 2015

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