

Supreme Courts

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# Raising and Defending Ordinary Actions in the Court of Session

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A Guide for Party Litigants

Updated August 2012

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# Background

## (i) Using this guide

Bringing a case to court can be complicated and we have designed this guide to make it as easy as possible. Look out for the following signposts:



This points you in the direction of further information in this guide.



This indicates that there is further explanation in the Glossary.



This indicates that there is a timescale to be considered.

## (ii) Introduction

This guide contains information to help you if you are raising or defending an **Ordinary Action (G)** in the Court of Session. **It does not provide you with any legal advice.**

If you decide not to seek legal advice, or having taken legal advice, want to act for yourself, you will be known as a **Party Litigant (G)**. As a Party Litigant you will have to become familiar with the Rules of the Court of Session. These are contained in Part II of the Parliament House Book. This is available from most lending libraries.

You may also order a paperback version of “Greens Annotated Rules of the Court of Session” from larger book shops. This is edited by Nigel Morrison and published by W. Green & Son (reference ISBN 0-414-01149-X).

Alternatively, the [Rules of Court](http://www.scotcourts.gov.uk) are posted on our website and can be accessed through [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk).

This guide is intended to assist only with the **basic** steps and is not intended to be a full guide.

### **(iii) The Offices of the Court of Session**

The Offices of the Court of Session (OCoS) are the interface between you and the Court. It is where official court documents and applications are filed.

It is not easy to represent yourself in court but if you decide to do so the preparation and presentation of your case is your responsibility. Court staff will be able to advise you on court procedure, but the responsibility for the conduct of your case is entirely yours. You can, and normally will, also be found liable for the payment of legal expenses if you do not succeed.

Our contact details are at page 26 of this guide. This shows the departments within the OCoS you will deal with.

# Chapter 1 Raising an Ordinary Action in the Court of Session

## 1 Summons

A summons is the document which informs the other party in the case – known as the **defender (G)** – that an action has been raised against them and they may be required to attend court. It is the document that formally starts off your court case if you are the **pursuer (G)**.

### 1.1 Preparing the summons

[Rule of Court 13](#) will help you to prepare your summons.

You will need to fill in [Form 13.2.A](#). This is the front and back pages of your summons which you can complete by hand or, preferably, by typing it.

You should complete the full names and addresses of all parties on the front page of the form. For example:

John William Smith, 1 High Street, Newtown – Pursuer

against

Mary Jane Jones, 1 Main Street, Newtown - Defender

#### 1.1.1 Conclusions – what you are seeking

On the second page of your summons you should state what order(s) you are seeking from the court. These are also known as your **conclusions (G)** and should be written in numbered paragraphs.

You can find examples of conclusions in [Form 13.2B](#).

### 1.1.2 Condescendence – the facts of your case

Your summons must also include a statement of facts that form the basis of your claim. This is known as the **Condescendence (G)**.

This should also be set out clearly in numbered paragraphs.

You must include certain statements – also known as averments – in your Condescendence. These are:

- ✓ **Where the defender lives;**
- ✓ **The ground of jurisdiction of the Court of Session.** This is the basis on which you say the Court of Session is entitled to deal with the case. The most common ground of jurisdiction is that the defender is resident in Scotland or, if a company, has a registered office in Scotland. Jurisdiction can be made out on other grounds such as the location of an accident if you are seeking compensation for an accident that occurred in Scotland.
- ✓ **Whether another court has prorogated – extended - jurisdiction.** This applies where you have agreed that a claim should be subject to the jurisdiction of another court. Sometimes insurance policies say that any claim arising from the policy should be dealt with by a particular court or tribunal.
- ✓ **Whether there are court proceedings taking place elsewhere in relation to your action.**

### 1.1.3 Plea-in-law

The plea-in-law is a short statement of the legal proposition that supports your case. For example, if you are recovering a debt the plea-in-law would be:-

“The defender being due and resting and owing to the pursuer in the sum sued for, decree therefor should be pronounced as concluded for”.

You may have more than one plea-in-law. If you do, you should number them clearly.

## 1.2 Backing sheet

The back page of your summons, as stated at 1.1, should clearly state the names of all the parties to the action you are raising.

### 1.3 Next steps

A solicitor or another person who has right of audience, that is, the right to appear in court, must sign each page of the summons and the condescendence and pleas-in-law.

However in terms of [Rule of Court 4.2\(5\)](#) you may ask the court to proceed although you have been unable to obtain the necessary signature.

If this is the case, you should send a letter confirming the reasons why you have been unable to obtain a relevant signature and also asking for permission to go ahead, with the principal summons to:

The Depute in Charge of the Offices of the Court of Session  
Parliament House  
Parliament Square  
Edinburgh  
EH1 1RQ.

Your principal summons will then be placed before a Lord Ordinary - a judge - for consideration. Once a decision has been made an **interlocutor (G)** will be written on the summons.

The decision of the Lord Ordinary is final and is not subject to review.

If the Lord Ordinary grants permission to proceed you must then sign the principal summons and proceed with the application if still necessary.

## 2 Process

The process is the collective term for all the papers needed for a case in the Court of Session. It is another name for the court file. A full process is required to proceed with an action.

### 2.1 The parts of the process

The process is made up of a number of different documents and record sheets. You must lodge some of the documents with your summons when you present it to the court to be **signed (G)**. Others will be added as your case progresses. Court staff may be able to provide a folder in which to place the parts of process.

All parts of the process must be recorded and numbered on an inventory. The inventory itself is not numbered.

Productions are also recorded on the inventory. A production is something which is produced as evidence in court. These may be lodged by you as the pursuer or by a **defender (G)**. Productions can be either documents or items. Documentary productions are normally kept in the process folder or production folder.

Number	Document	Description
1	Principal summons	This is the document described in section 1
2	Certified copy of the principal summons	This is a copy of document 1. You should write "Certified a true copy" with your signature on the last page.
3	Interlocutor sheet	The clerk of court will record any order made by the court on this sheet.
4	Motion sheet	You will record any <b>motion (G)</b> you lodge during the case on this sheet.
5	The minute of proceedings	The clerk of court will record any information about your action which is in addition to what is already on the <b>interlocutor (G)</b> sheet.
6	Pursuer's productions	If you lodge more than one production these will be numbered 6-1 and 6-2 etc.
7	Defender's productions	If the defender lodges more than one production these will be numbered 7-1 and 7-2 etc.



## 2.2 The format of the parts of the process

You can type or hand write the part of process on A4 paper.

You must fasten the paper and backing securely with a two piece filing clip. Again court staff may be able to provide you with these.



The interlocutor sheet and Minute of Proceedings should contain a number of A4 sheets of paper and be backed as explained before.

The full process can now be delivered either by post or in person to the General Department of the OCoS.

General Department opening hours are:

10.30 to 17.00 - Monday

9.00 to 17.00 – Tuesday to Thursday

9.00 to 16.45 - Friday

## 3 Fees

If the case can go ahead there will be a fee payable for the lodging of the process. The fee is regularly reviewed and it is best to check with the General Department of the OCoS what the current fee is. Details of [court fees](#) are also available on our website. You can pay by:

- ✓ cheque
- ✓ postal order
- ✓ cash\*
- ✓ debit card\*

\*Only if attending in person

Cheques and postal orders should be payable to The Scottish Court and Tribunal Service.

## 4 Next steps

Having your summons accepted by the court is the first step.

You must now arrange for a copy of the summons to be served upon the defender(s). This is required in terms of [Rule of Court 16](#).

After that, your summons must be lodged for **calling (G)**. It will appear in the Court Rolls on the calling list to show that it has been served and proceedings have started. Staff within the General Department of the OCoS can advise you on how to go about these steps.

What happens next depends on whether your case is disputed by the defender.

## Chapter 2 Defending an Ordinary Action in the Court of Session

If someone raises an action against you in the Court of Session you will be served with a summons. This will set out the details of the case against you.



See Chapter 1 for what you will see on a summons

### 1 Preparing your defences

The summons served on you will include statements of the pursuer's claim against you. You must prepare a document showing your answers to each statement. These answers must be numbered and be in the accepted format. The first page of your document must include the **instance (G)**. This is the name and address of the pursuer(s) against the name and address of the defender(s).

If you...	Style and format of answer
Agree with the statement in the summons	"Admitted that ( <i>then complete the sentence with the statement that you are admitting to</i> )" You can also add to this statement an explanation of <b>why</b> you are admitting to the statement.
Believe the statement to be true but the facts are outwith your knowledge	"Believed to be true ( <i>then complete this sentence with the statement set out in the summons</i> ).
Do not know whether the statement in the summons is true and you do not admit it	"Not known and not admitted that ( <i>then complete this sentence with the statement set out in the summons.</i> )
Deny the statement in the summons	"Denied"

**Then**

After each of these answers you should give your explanation or version of facts.

**Finally**

You must sign your **defences (G)** and provide a backing sheet which again shows the name of the pursuer(s) against the name the defender(s), and also states for example First Defender – **Party Litigant (G)**

## 2 Lodging your defences

You can lodge your defences in person in the General Department of the Court of Session or by post.



You must lodge your defences with the court within **seven days** of the date the summons has called, that is, the date when it appeared on the Court Rolls.

Calling is when the names of parties are published in a court list containing details of cases that have called, that is, the summons has been served upon the defender and the period of notice has expired. The details published are the names and addresses of the parties and the names of their legal representatives (if any). If the seventh day is in a vacation period or on a public holiday the Ordinary Section in the General Department of the OCoS will let you know the last day for lodging your defences. You can ask the pursuer to let you know when the case is called but they are under no obligation to do so. You can also keep in contact with the Ordinary Section in the General Department of the OCoS to find out when your case calls to ensure you lodge your defences in time.

There are occasions when the court will specify a date for lodging defences. If this is the case, you must lodge your defences within that period.

## 3 Fees

A fee is payable when you lodge defences. The fee is regularly reviewed and it is best to check with the Court what the current fee is. Details of [court fees](#) are also available on our website. Your cheque or postal order should be payable to The Scottish Court Service. If attending in person payment can also be made by debit card or cash.

## 4 Intimating your defences to all other parties

Before you lodge your defences with the Ordinary Section of the General Department of the OCoS you must write to the solicitors representing all other parties. You should

- ✓ tell them that you are lodging defences with the court and
- ✓ enclose a copy of the defences.

Contact the Ordinary Section in the General Department of the OCoS if you do not know who the solicitors are.

When lodging your defences with the Ordinary Section of the General Department of the OCoS you should mark 'INTIMATED' on the backing of the defences as proof that you have intimated your defence to all other parties in the action.

The General Department of the OCoS will check your defences are in the correct format, received on time and are signed. They will then lodge them into process and give your defences a process number. This number will help to identify them during the course of the action.

## 5 Late defences

### 5.1 How to lodge defences late

If you wish to lodge defences but they are late and no other action has been taken by the pursuer(s) in the case, you can do this by way of a motion.



**See Chapter 3 for  
how to enrol a  
motion**

Your motion should be in the following style –

“To allow the defences, number <insert number> of process, to be received late. The reason for late lodging is <insert reason>.”

### 5.2 Fees for late defences

A fee is also payable when you lodge defences and a motion to allow late defences. The fee is regularly reviewed and it is best to check with the court what the current fee is. Details of [court fees](#) are also available on our website.

Your cheque or postal order should be payable to The Scottish Court Service. If attending in person payment can also be made by debit card or cash.

## 6 Decrees in absence and recall

If you do not lodge your defences within the allocated time period the court may issue a decree in your absence.

### 6.1 What to do if a decree in absence is taken against you

If a decree in absence is taken against you, you can enrol a motion for recall of the decree and to allow your defences to be received.

When you enrol the motion you should:

- ✓ Lodge your defences as described above;
- ✓ Have already paid the sum of £25 to the pursuer and intimated a copy of your defences to all other parties in the action;
- ✓ Lodged the receipt for the sum of £25 in process. If you cannot get a receipt, you should include in your motion a request to excuse you from this requirement.



You must apply for recall no later than **seven days** after the date of the decree in absence.

If you do all this, the court shall recall the decree against you and allow defences to be received. The action will then go ahead as if you had lodged defences on time.

### 6.2 Special arrangements if you live outside the UK

If you did not lodge defences and want to defend the action you may ask the court to recall the decree and allow defences to be received provided:

- ✓ You can show that, through no fault of your own, you did know about the action in sufficient time to defend it; and
- ✓ The motion to recall is enrolled within a reasonable time after you had knowledge of the decree.



The latest you can enrol the motion to recall the decree is **one year** from the date the decree was granted.

## Chapter 3 Enrolling or Opposing a Motion

A motion is an application made to the court for some subsidiary purpose during the course of an action.

### 1. Enrolling a motion

If you are not being represented by a solicitor in the action you must enrol the motion yourself. No-one else may do this on your behalf. There are two ways of doing this.

#### 1.1 Enrolling the motion electronically

You may enroll motions and opposition to motions to the court and intimate to other solicitor firms using e-mail. However, you must have one email address which you access on a regular basis. The court and solicitors will also email you items within the action such as **interlocutors (G)**, parts of process, motions and oppositions.

Your email address will also be displayed on the Scottish Court Service website, along with the name of the action you are involved in. This means that any solicitors involved in the same action know how to contact you.

For more information to opt into this procedure please contact the Court Motions Team in the OCoS.

#### 1.2 Enrolling the motion in person or by post

If you do not wish to use the electronic procedure you must lodge motions under [Rule of Court 23.3](#).

To enroll a motion under [RoC 23.3](#) you must complete a [Form 23.2](#) and intimate this form to all other parties in the action.



You must intimate your motion to all other parties in the action by 12.30 **two days** before you enrol it.

Your motion must indicate the date you will lodge your motion in the Ordinary Section at the General Department of the OCoS. This then allows any other party if they wish to, to oppose your motion.

## 2 The form

You must use:

- [Form 23.1C](#) if you have opted into the electronic motions procedure
- [Form 23.2](#) if you have NOT opted into the electronic motions procedure and wish to enrol motions in person or by post

You may enroll your 23.2 motion:

- ✓ In person at the General Department in the OCoS
- ✓ By post to the General Department
- ✓ By fax to 0131 240 6746
- ✓ In court on the day or the hearing – if the judge gives permission for this.

## 3 What happens next?

### 3.1 If you use the electronic method of enrolling motions

You must intimate your motion via email to all other parties in the action by 17.00 on any day, Monday to Friday. This is then counted as **Day 1**.

If they wish to oppose, the other parties must then email you their opposition by 17.00 on **Day 3**.

You should then email your motion and any opposition you have received to the Court Motions Team (CMT) within the OCoS by 12.30 on **Day 4** which is also the date you have stated within your motion.

If your motion is unopposed and does not require a judge's signature, our target is to ensure the interlocutor for your motion will be sent to your email address by 17.00 on the same day - **Day 4**.

If your motion requires a judge's signature the interlocutor will be emailed to you as soon as possible.

If there are any difficulties with your motion, we will email you direct or copy you into the email if the difficulty is with another party within the action.

If your motion is opposed or automatically **starred (G)** you must attend court the day after you have lodged the motion with the CMT in the OCoS. If the court is in vacation, the opposed or automatically starred motion may not be heard the following day, please contact the Court to confirm the date you are required to appear.



### 3.2 If you enrol your motion in person or by post

You must intimate your motion to all other parties in the action on any day, Monday to Friday.



You must intimate to the other parties by 12.30 two days before you intend to lodge your motion within the ordinary section of the General Department of the OCoS. You must lodge your motion within the ordinary section of the General Department of the OCoS by 16.00 on the date you have stated within your motion.

If any other party wishes to oppose your motion they can do this by enrolling an opposition within the ordinary section of the General Department of the OCoS by 12.30, the day before the motion will be dealt with. Also the party lodging an opposition should intimate this to you.

Motions will be dealt with:

Motion lodged by 16.00	Motion opposed by 12.30	Motion heard
Monday	Tuesday	Wednesday
Tuesday	Wednesday	Thursday
Wednesday	Thursday	Friday
Thursday or Friday	Monday	Tuesday

Monday is not a court day therefore no motions enrolled in this way are dealt with on Mondays.

You will only be required to appear in court if the motion is opposed. Such a motion is known as a starred motion. Even if your motion is unopposed it may be starred in certain circumstances and in this situation you will also be required to appear. Please contact the Ordinary Section of the General Department of the OCoS the afternoon before your motion is due to be dealt with to find out if you are required to attend court.

Once your motion is dealt with, you must contact the Ordinary Section of the General Department of the OCoS to obtain a copy of the interlocutor pronounced.

## 4 Opposing a motion

### 4.1 If you use electronic method of enrolling motions

If you wish to oppose a motion electronically, you can do so using [Form 23.1D](#).



You must then email your opposition to all parties in the action by 17.00 the day before they have stated on their motion when they will be lodging their motion with the court.

You must then appear at court the following day or if the court is in vacation, contact us to confirm when the now starred motion will be heard. After the hearing, the Depute Clerk of Court will email a copy of the interlocutor of the court hearing to your email address.

#### **4.2 If you enrol your motion in person or by post**

If you wish to oppose a motion and the motion has been lodged following [RoC 23.2](#), you must complete a [Form 23.4](#).



You must lodge this form with the Ordinary Section of the General Department of the OCoS by 12.30 the day before the motion is due to be dealt with. See table above.

You must then appear at court the following day or, if the court is in vacation, contact the ordinary section to confirm when the now starred motion will be heard. After the hearing, you can contact or attend the Ordinary Section, for a copy of the interlocutor pronounced.

### **5 Fees**

There are various fees payable throughout a court case. As a party litigant within the Court of Session, you should pay these fees at the time or in certain circumstances the cashier within the Administration Office will then invoice you on a monthly basis for any court fees accrued. This is required if you decide to enrol your motion electronically .

If you decide to follow the procedure allowing motions to be lodged in terms of [RoC 23.2](#) you can pay all your court fees either by cheque, postal order, direct debit or cash.

If paying by cheque or postal order these must be payable to The Scottish Court Service. The fees are regularly reviewed and it is best to check with the Court what the current fees are. Details of [court fees](#) are also available on the Scottish Courts website.

## Chapter 4 Lay assistance

If you are acting on your own behalf you may apply for permission to have a named individual support you. This is set out in [Chapter 12A and Chapter 12B – Lay Assistance for Party Litigants, of the Rules of Court](#) and is similar to the concept of a ‘McKenzie Friend’ in the English courts.

You may choose to have this supporter sit beside or behind you at any hearings in court or in a judge’s chambers. The supporter may also speak on your behalf if allowed under Chapter 12B.

You must apply for this permission by enrolling a motion. Your motion must be accompanied by [Form 12.A-A](#) or 12B which you and your proposed supporter must sign. Part 2 of [Form 12.2-A or 12B](#) asks for confirmation on various matters from the proposed supporter. Motions will be granted unless the court is satisfied that to do so would not be conducive to the efficient administration of justice.

Any permission:

- is not effective during any period when you are represented by a solicitors;
- is granted only until the proceedings are finished;
- is granted until the permission is withdrawn.

The court may withdraw permission on its own motion or on the motion of any party. The court must be satisfied that it would be contrary to the efficient administration of justice for the permission to continue.

You may want your supporter to:

- ✓ provide moral support;
- ✓ help to manage the court documents and other papers;
- ✓ take notes of the proceedings;
- ✓ quietly advise on -
  - points of law and procedure;
  - issues which you might want to raise with the court;
  - questions which you might wish to ask witnesses.

You may show your supporter any document including court documents. The supporter may receive any information in connection with the proceedings which is in your possession. This would not be a contravention of any prohibition or restriction on the disclosure of the document or the information. The supporter would then be subject to any prohibition or restriction in the same way as if he or she were the litigant.

Any expenses you incur as a result of an individual’s support are not recoverable expenses in the proceedings.

## Chapter 5 Adjusting your case

If a case is defended, the normal procedure is that parties are allowed to adjust their respective cases, that is, to adjust the summons and defences.

This means that if you are the pursuer, after seeing the defences, you may wish to add to your statements of fact in the condescendence. The defender may then wish to respond to your adjustments by making their own and so on.

### 1 Lodging an open record

For the purpose of adjustment the pursuer has to make up and lodge a part of process called an **open record**. This document comprises of an amalgamation of the summons and defences set out in a way that each statement of fact for the pursuer is followed by the defender's answer.



Two copies of the open record must be lodged with the ordinary section of the General Department of the OCoS by the pursuer within **14 days** of defences being lodged. There is no fee for this.

Once the open record is lodged, an adjustment period is fixed by the court. This period normally runs for eight weeks at which time the record is deemed to be closed. [See Rule of Court 22.1](#)

The pursuer must send a copy of the open record with a note of the period fixed by the court for adjustment to the all other parties in the action.

### 2 Lodging a closed record

Within **four weeks** of the record being closed, the pursuer must lodge a further document called the closed record showing the cases of parties after they have been adjusted. The closed record must also contain any interlocutors pronounced in the case.

A motion must also be lodged when lodging a closed record stating what further procedure has been agreed.



**See Chapter 3 for  
how to enrol a  
motion**

If no agreement, the action must be appointed to the By Order Adjustment Roll. Normally a Proof hearing is sought. A proof hearing is a hearing when the parties must bring witnesses and submit their case to the court.

If you are lodging your motion electronically, you must lodge your motion and the closed record as an attachment.

If you are not lodging your motion electronically, your motion and closed record must be lodged within the Ordinary Section of the General Department.

### **3 Fees**

A fee will be accrued/charged for lodging the closed record and appointing to a Roll. No fee is required for the motion, unless the closed record is being lodged late.

## Chapter 6 Amending your case

After the record is closed any further adjustment to your case can only be done with permission of the court. At this stage, your adjustment is referred to as an amendment. You must lodge a motion to amend as you need the court's authority if you want to amend your case.

A minute of amendment allows you to change your case either:

- after the time for adjustment has expired in a defended action or
- before the final decision in any other case.

### 1 Reasons for amending your case

You may want to amend your case for any of the following reasons:

- to correct the designation – the name and address – of a party to the case
- to add the name of an additional defender
- where the case has been raised in the name of the wrong person, to substitute the name of any other person in place of the original
- to enable a party who has sued or has been sued in a representative capacity to sue in his own right – and vice versa
- to amend the sum sued for
- where it appears that all parties having an interest have not been called, to amend the instance by inserting the additional party and directing existing or additional conclusions, averments and pleas-in-law against that party. This type of amendment may not be allowed if the time limits for raising a fresh action against the new party have expired (for example, three years from the date of the accident in a personal injury action)
- where it might be necessary for determining the real question of controversy between parties including altering the sum sued for or altering the remedy you seek.
- Altering the names and addresses of parties involved in the case must always be done by amendment – even when the case is within the adjustment period allowed by the court.

## 2 Form of minute of amendment

If you want to amend your case you must lodge a minute of amendment. You must head up your document:

### **Minute of Amendment**

**Name and address of the pursuer  
against**

**Name and address of the defender and any additional parties**

This should be followed by a statement in the following terms:

“<your name> craved and hereby craves leave of the court to amend the  
<summons/defences/record> as follows:

You should then list the amendments you want to make in numbered paragraphs. For example –

“1. To delete the pursuer’s address where it appears in the instance of the Summons and in condescendence one and substitute therefor...”

After the list of amendments add the words “In Respect Whereof”.

The minute of amendment does not have to be signed.

You must then

- ✓ Back the minute of amendment with a piece of A4 paper
- ✓ Head up Minute of Amendment  
Names of the parties Pursuer –v- Defender and any additional parties
- ✓ Mark “INTIMATED” on the backing paper to confirm that you have told every other party about your amendment.

### 3 Enrolling a motion for a minute of amendment and serving the amended papers

At the same time as lodging the minute of amendment you must also enrol a motion.

The motion is required to:

- allow the minute of amendment to be received
- allow the amendment and, where appropriate, grant an order for service of the amended pleadings (G) to be served on the other parties including any additional or substituted parties, OR
- allow any other party to lodge answers to the minute of amendment within a specified period (usually 21 days) or such period as the court thinks fit.

You must intimate this motion along with a copy of the Minute of Amendment to all other parties in the action using the correct procedure in Chapter 3.

#### 3.1 Defended actions

In a defended action which doesn't involve adding a new defender, the motion should simply ask that:

- ✓ the minute of amendment be received and
- ✓ the other parties be ordered to lodge answers in a specified period of time. This is normally 14 or 21 days.

#### 3.2 undefended actions

In an undefended action (G), unless the amendment you want to make is, for example, to correct a typing mistake the court will

- Order that a copy of the amended summons be served on all other parties and
- Allow the other parties to lodge defences within a specified period of time.

#### 3.3 Changing or adding a defender

You must lodge a minute of amendment if you need to add a new defender or change the defender. The court will order that a copy of the amended pleadings are served on the new parties along with a notice in [Form 24.3](#). This form specifies the date by which the defender must lodge defences.



You must lodge in process at the Ordinary Section in the General Department of the OCoS:

- ✓ a copy of Form 24.3
- ✓ a copy of the amended pleadings
- ✓ a copy of the interlocutor ordering service
- ✓ a certificate of service

## Glossary

<b>Action Calling</b>	Proceedings in a civil court. When the names of parties are published in a court list, this is also published on the court website, containing details of cases that have called i.e. the summons has been served upon the defender and the period of notice has expired.
<b>Conclusion Condescendence</b>	The statement of the precise order sought A printed or written statement in a civil action setting out the pursuer's grounds of action.
<b>Decree</b>	The final judgement.
<b>Defences</b>	The statement by way of defence lodged by the defender.
<b>Defender</b>	The person against whom the claim is directed/who disputes the claim of the pursuer.
<b>Instance</b>	The opening part of a summons or writ, stating the names and addresses of the parties to the action and delineating them as pursuers or defenders.
<b>Interlocutor Motion</b>	An order made by the court during the course of an action. This is an application made to the court for some subsidiary purpose during the course of an action. For example, a motion may be lodged to ask the court to allow a summons to be amended or documents to be lodged outwith the normal timescales.
<b>Ordinary Action</b>	Civil action of a certain value or subject matter.
<b>Party Litigant</b>	An individual representing themselves in a court action.
<b>Pleadings</b>	The papers relating to the pursuer's and defender's case.
<b>Pursuer</b>	The person raising the action in the civil court.
<b>Signet</b>	The signet is the Seal of the Court of Session and is a sign of the Court's authority. We will apply the seal to your summons as authority to serve it on the defender.
<b>Starred Motion</b>	Motions which must call in court for a hearing before a judge.
<b>Undefended actions</b>	A case where the defender has not entered appearance and not lodged defences, or where the defender has intimated an intention to defend the case but has not lodge defences.

## Contact Details

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