

COURT OF SESSION
GUIDANCE NOTE FOR COURT USERS

25th April 2022

COVID-19

1. This guidance has effect from 25th April 2022 and will remain in effect until further notice. The guidance will be subject to ongoing review.
2. The purpose of this guidance is to facilitate the efficient disposal of court proceedings in the Court of Session while Schedule 4 of the Coronavirus (Scotland) Act 2020 remains in force.
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.

Inner House

4. Substantive business in the Inner House (i.e. hearings not dealing with procedural business as defined by RCS 37A.1(2)) will be conducted in person. The court may allow a substantive hearing to be conducted wholly or partly remotely on cause shown. Parties seeking a virtual or hybrid hearing should do so by motion. Procedural business (including applications for leave/permission to appeal, procedural hearings etc.) will be conducted by Webex video conference or by way of written submissions. The court may allow a procedural hearing to be conducted wholly or partly in person on cause shown. Parties seeking an in person or hybrid hearing should do so by motion.
5. All fully virtual and hybrid hearing access links will be provided to parties in advance by court staff. The guidance set out in [Practice Note No. 2 of 2021](#) applies in respect of all Inner House hearings taking place by video conference.

6. All emails relating to Inner House matters should be sent to innerhouse@scotcourts.gov.uk. This email inbox is monitored during working hours. Matters marked as “urgent” will be prioritised.
7. Parties are required to provide electronic copies of all documents required for hearings in the Inner House. All documents in respect of current and new actions should be emailed to the Inner House email inbox. However, where the overall size of an email (including attached documents) exceeds 20MB, the documents will require to be lodged in digital format via Objective Connect (see paragraph 29 below).

Outer House

8. Procedural hearings in the Outer House will proceed virtually by way of Webex video conference, teleconference or on the basis of written submissions. The court may allow all or part of the hearing to be conducted in person on cause shown. Parties seeking an in person or hybrid procedural hearing should do so by motion. 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 or videoconference joining instructions, Webex links and access codes will be provided by the clerk of court.
9. All documents required for procedural hearings should be provided in electronic form. Where hard copy papers have already been lodged parties will be required to provide electronic copies of those documents. Clerks of court will advise where electronic documents are required.
10. Substantive hearings, including proofs and debates, in the Outer House will proceed in person. However, the court may allow all or part of the hearing to be conducted by way of Webex video conference on cause shown. Parties seeking a virtual or hybrid substantive hearing should do so by motion. By Order hearings may be fixed to enable consideration of approach to conducting substantive hearings and readiness to proceed. Approaches to the management of hybrid hearings requiring the presentation of electronic productions and witness evidence are continuing to evolve and will be discussed with parties on a case by case basis. Productions to be presented at in person or hybrid substantive hearings should continue to be lodged in electronic form.

11. Clerks of court will liaise with parties to make the necessary technical arrangements and provide access links for any substantive hearings proceeding by way of video conference. [Court of Session Practice Note No 1 of 2020](#), Substantive Hearings by Video Conference, provides direction on the management of witness evidence and presentation of productions at virtual hearings.
12. For the fixing of civil jury trials, where issues are approved by the court, parties should submit a Court of Session e-fixing form to keepersfixing@scotcourts.gov.uk (see paragraph 28 below). A proposed issue or counter-issue lodged for approval under RCS 37.1 must be lodged in MS Word format to allow for electronic authentication should the motion be granted. Requests for jury precepts should be emailed to the relevant General Department mailbox (see paragraph 19 below). For the time being civil jury trials will be delivered using a Remote Jury Centre model. Jurors will be cited to attend at Fort Kinnaird. Balloting of jurors will take place by video conference, commencing at approximately 9.30 a.m. on the first day of the civil trial diet. Detailed [guidance for court users on civil jury trials](#) during Covid-19 is available on the SCTS website. Once a civil jury trial is imminent arrangements can be made for parties to visit the civil jury trial facilities and participate in a mock balloting exercise should this be required.
13. All civil court rooms in Parliament House are equipped to support livestreaming of in-person and hybrid hearings. The court may consent to livestream all or part of any hearing at the request of parties or at its own instance.

Media and Public Access

14. The media and members of the public will be permitted to attend hearings in both the Inner and the Outer House wherever appropriate. For in person and hybrid hearings attendance should be in person. The media will be provided with video access to virtual hearings on request. Links to virtual hearings can be obtained by emailing onlinehearingaccess@scotcourts.gov.uk. Members of the public will be provided with audio access to virtual hearings. Access codes can be obtained by emailing keepers@scotcourts.gov.uk .

Appearance in person

15. Covid-19 baseline safety measures remain in place in all SCTS buildings. All parties attending the Court of Session for an in-person hearing must familiarise themselves with SCTS' [Guidance for court and tribunal users who need to come to our buildings](#). In particular:
- We encourage everyone to respect others' personal space.
 - We continue to encourage good hand hygiene, maintain enhanced surface cleaning – especially of high touch-point areas – and maintain good ventilation.
 - We continue to encourage the wearing of face coverings in our buildings. All parties should (unless exempt) wear face coverings when in a court room other than when required to speak in proceedings.

Appearance at virtual hearings

16. Any party attending a court hearing by video conference 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 virtual hearing. Parties will be responsible for ensuring that any witnesses cited for substantive hearings are able to appear virtually in accordance with Rule of Court 36.9 (4).
17. As with other court proceedings, mechanical or audio recording of a court hearing conducted by video or teleconference call is not permitted without the consent of the Court.

Walls of Court

18. A weekly Court Roll is being published on the SCTS website. This details Inner House and Outer House procedural and substantive business expected to call in the following week. A Calling list is being published as required. Paragraph 1A(1) of Schedule 4 of the Coronavirus (Scotland) Act 2020 provides for any requirements to intimate documents on the walls of court to be fulfilled through the SCTS website. Petition walling slips are being published as required. A downloadable [electronic walling slip](#) is available on the website. A completed electronic walling slip must be lodged with every petition and will be published on the Court of Session Court Rolls page of the SCTS website.

Mailboxes

19. All Court of Session business correspondence should continue to be emailed to the appropriate generic mailbox as follows:

- CMT Motions – courtofsession.motions@scotcourts.gov.uk
- Fixing of substantive Outer House business (see paragraph 28 below) – keepersfixing@scotcourts.gov.uk
- Keeper’s Office – Keepers@scotcourts.gov.uk
- Inner House – innerhouse@scotcourts.gov.uk
- Ordinary, Family and Commercial departments, including group proceedings - gcs@scotcourts.gov.uk
- Personal injury actions - personalinjuries@scotcourts.gov.uk
- Petitions department - petitions@scotcourts.gov.uk

20. These mailboxes are monitored during working hours which are:

Monday – Thursday 9:00am – 5:00pm

Friday 9:00am – 4.45pm

Wherever possible parties should refrain from emailing out with these hours. Emails received out with these hours will not be attended to until the following working day. Matters marked as “urgent” will be prioritised.

The commercial mailbox (commercial@scotcourts.gov.uk) should be used only for copying in to urgent commercial motions and for contacting commercial clerks. All other commercial matters should be emailed to gcs@scotcourts.gov.uk.

21. To support the efficient management of digital processes the following naming convention should be used in the email subject line for all emails sent to any of these mailboxes:

- Case name - Case reference number - Subject matter
(e.g. A Smith v B Jones – A908/20 – entering appearance).

Electronic documents

22. Public counters will re-open from 25 April 2022. However, while Part 1 of Schedule 4 of the Coronavirus (Scotland) Act 2020 remains in force, there is no requirement for hard copy papers to be lodged in any Court of Session action.

All documents lodged in respect of current and new actions should continue to be submitted by email. This includes new summonses, petitions, appeals, motions and caveats. The following naming convention should be used for all electronic documents to be lodged in process:

- Case name - Case reference number – Nature of document
(e.g. A Smith v B Jones – A908-20 – Defences).

23. New Personal Injury actions and new Family actions are given a case reference number beginning with 'COS' e.g. COS-PD123-20, COS-F34-22. Therefore, all emails relating to personal injury actions registered since September 2020 and family actions registered since 4 April 2022 should include the full case reference number, including where applicable the COS prefix, to ensure that documents can be lodged in the correct process.
24. All new summonses will be signetted electronically. Summonses lodged in pdf form will have the words 'Certified signetted on [date]' and an electronic signature of the registering admin clerk added to them.
25. 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 and the document attached is accepted. If the email is received out with working hours it will be deemed as lodged with the Court on the next day the office is open for business and the document attached is accepted. **Time critical documents should be emailed to the relevant mailbox and marked 'urgent'**.
26. Where the overall size of an email (including attached documents) would exceed 20MB, documents will require to be lodged in digital format via Objective Connect (see paragraph 29 below). In respect of productions, inventories of productions must be lodged as a separate document, irrespective of whether productions are lodged by email or via Objective Connect.

Motions

27. Where documents previously lodged in hard copy are required to enable motions to be progressed parties will be contacted for electronic copies. All motions lodged by email should be accompanied by an electronic copy of the

most up to date pleadings (i.e. a record where one has previously been lodged, failing which the summons and defences), as well as any document required for consideration of the motion. The naming conventions set out in paragraphs 21 (emails), 22 (documents) and 23 (new personal injury and family actions) should be applied.

Fixing

28. All fixing of substantive hearings is now done electronically by the Keeper's Office between 10.00 a.m. and 4.00 p.m. on Monday to Friday. An [electronic fixing form](#) and [Guidance](#) on the process for electronic fixing are available on the Court of Session current business page of the SCTS website. All completed electronic fixing forms should be emailed to keepersfixing@scotcourts.gov.uk.

Objective Connect

29. Objective Connect is SCTS' chosen file sharing platform. It can be used for the lodging of large documents and for the submission of recovered documents (of any size) for which confidentiality is claimed.

- Emails with attached documents over 20MB

Detailed [court user guidance on using Objective Connect for Court of Session actions](#) is available on the SCTS website. Parties requiring to lodge large documents via Objective Connect must contact the appropriate generic mailbox to arrange access.

- Confidential Documents

Detailed [guidance for Havers](#) on how to use Objective Connect in the Court of Session when confidentiality of documents is claimed under Rule of Court 35.8 is available on the SCTS website. A [varied Form 35.3-A](#) which specifies the option to submit confidential documents in electronic form is also available on the website.

Fees

30. 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
25 April 2022