



## Coronavirus

### Guidance in respect of Civil Business

#### No. 2 of 2022

This guidance sets out the arrangements for the management of civil business in the Sheriffdom of Glasgow & Strathkelvin with effect from 1 August 2022. It supersedes "*Coronavirus – Guidance in respect of Civil Business No. 1 of 2022*" of 5 January 2022.

#### *General*

1. The attention of practitioners is drawn to "*Practice Note No 1 of 2006*"<sup>1</sup>, the provisions of which should be utilised wherever possible.
2. Subject to the terms of paragraph 3 below, all documents in relation to new and existing civil cases should be lodged electronically in accordance with either (i) the provisions of "*Coronavirus - Guidance in respect of the Electronic Submission of Documents No. 17 of 2020*" dated 24 June 2020<sup>2</sup>; or (ii) by way of the Civil Online portal.
3. All documents in relation to adoption, permanence order and simplified divorce proceedings must be lodged in hard copy.
4. Any documents lodged electronically which would normally attract a fee must be accompanied by the account number to which the fee is to be charged.

---

<sup>1</sup> See [http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/sheriff-court/glasgow-and-strathkelvin/pn01\\_2006.pdf?sfvrsn=11](http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/sheriff-court/glasgow-and-strathkelvin/pn01_2006.pdf?sfvrsn=11)

<sup>2</sup> See [http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/coronavirus-temp-orders/glasgow-orders/coronavirus-guidance-\(no-17\)-\(electronic-submission-of-documents-\(24-06-20\).pdf?sfvrsn=2](http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/coronavirus-temp-orders/glasgow-orders/coronavirus-guidance-(no-17)-(electronic-submission-of-documents-(24-06-20).pdf?sfvrsn=2)

5. Save in respect of proofs, evidential hearings, heritable summary cause actions and child welfare hearings, unless the court directs otherwise, attendance at all hearings will be by electronic means. If a party contends that a hearing by electronic means would prejudice the fairness of proceedings or otherwise be contrary to the interests of justice they shall make application by motion for a direction that parties attend in person. Should any party fail to lodge the note required by paragraph 9 below, they must attend any hearing in person. Failure to do so may result in the case being dealt with in their absence.
6. All correspondence with the sheriff clerk should be by e-mail, using the e-mail addresses set out in Appendix 1 below.

#### *Civil Business – Mode of Hearing*

7. The attention of practitioners is drawn to paragraph 2 of the “*Guidance for Court Users – Proceedings in Sheriff Courts*” of 19 July 2022<sup>3</sup>.

#### *Representation*

8. To facilitate the attendance of parties by electronic means the court must be provided with contact details for parties’ representatives or, in the case of a party litigant, the party.
9. In each civil action, all parties shall lodge with the sheriff clerk by no later than the earlier of (i) 2 working days after the action is defended; or (ii) 5 working days prior to the first hearing, a note setting out:
  - a. the name of the individual representing the party or, in the case of a party litigant, confirmation that the party is self-represented (each of which is hereinafter referred to as “the representative”);
  - b. the representative’s direct telephone number; and
  - c. the representative’s direct e-mail address

---

<sup>3</sup> [management-of-proceedings-in-the-sheriff-courts-\(july-2022\).pdf \(scotcourts.gov.uk\)](https://www.scotcourts.gov.uk/management-of-proceedings-in-the-sheriff-courts-(july-2022).pdf)

10. A copy of the note referred to in the foregoing paragraph shall, at the time of lodging with the sheriff clerk, be sent to all other parties participating in the action.
11. Where the identity of the representative or any of his or her contact details change an updated note shall be lodged with the sheriff clerk (and sent to all other parties participating in the action) forthwith.

#### *Case Management*

12. All defended ordinary actions, summary applications and family actions will be assigned to a nominated sheriff for the purposes of case management.
13. Insofar as practicable, all hearings in defended ordinary actions, summary applications and family actions will be conducted by the nominated sheriff.

#### *Ordinary Court*

14. The court will permit participation in the ordinary court by electronic means or written submissions. Written submissions must be lodged no later than 4 pm on the Tuesday prior to the calling of the case.
15. Should a party wish to participate in the ordinary court by electronic means, they shall give notice to that effect to the sheriff clerk by no later than 4 pm on the Tuesday prior to the calling of the case.
16. In the event of parties reaching an agreed position in any case assigned for the ordinary court, that position should be intimated to the sheriff clerk by e-mail as soon as possible to enable hearings to be discharged administratively and for agreed orders to be made (if the court deems the orders sought as appropriate), wherever practicable.

#### *Motions*

17. Motions shall be lodged by e-mail and shall be accompanied by written submissions setting out the grounds upon which it is said that the motion should be granted.
18. Where a motion is opposed the notice of opposition shall be accompanied by written submissions setting out the grounds of opposition.

19. Should a motion be opposed a hearing will not automatically be assigned. In the first instance, parties will be invited to consider whether the motion is capable of being disposed of on the basis of the written submissions lodged.
20. If a motion is not to proceed on the basis of written submissions a hearing will be assigned.
21. Insofar as practicable, opposed motions will be heard by the sheriff nominated in terms of paragraph 12 above.

*Debtors / Miscellaneous Court*

22. The court will permit participation in the debtors / miscellaneous court by electronic means or written submissions. Written submissions must be lodged no later than 4 pm on the Tuesday prior to the calling of the case.
23. Should a party wish to participate in the debtors / miscellaneous court by electronic means, they shall give notice to that effect to the sheriff clerk by no later than 4 pm on the Tuesday prior to the calling of the case.

*Adults with Incapacity Court*

24. The court will permit participation in the AWI court by electronic means or by written submissions. Written submissions must be lodged no later than 4 pm on the Thursday prior to the calling of the case.
25. Should a party wish to participate in the AWI court by electronic means, they must give notice to that effect to the sheriff clerk by no later than 4 pm on the Thursday prior to the calling of the case.

*Heritable Court*

26. The attention of practitioners is drawn to the guidance "*Management of Summary Cause Proceedings – Housing (Scotland) Act 2001*" of 1 July 2022<sup>4</sup>.
27. In accordance with rule 5.9(c) of the Summary Cause Rules 2002, I approve the form set out in Appendix 2 to this Practice Note and direct that a copy of it should be included in the envelope containing a defender's copy of a summons.

---

<sup>4</sup> [management-of-summary-cause-proceedings-housing-\(scotland\)-act-2001.pdf \(scotcourts.gov.uk\)](https://www.scotcourts.gov.uk/management-of-summary-cause-proceedings-housing-(scotland)-act-2001.pdf)

28. The court will permit participation in hearings on the calling date in heritable actions by electronic means. Should a party wish to participate by electronic means they shall give notice to that effect to the sheriff clerk no later than 5 working days prior to the hearing.

#### *Summary Cause*

29. The terms of paragraph 27 above apply to all summary cause actions.

30. The court will permit participation in hearings on the calling date in summary cause actions by electronic means. Should a party wish to participate by electronic means they shall give notice to that effect to the sheriff clerk no later than 5 working days prior to the hearing.

#### *Social Work Referrals*

31. The court will permit participation in social work referral procedural court by electronic means or by written submissions. Written submissions must be lodged no later than 4 pm on the Thursday prior to the calling of the case. Written submissions lodged after that time will not be accepted by the court.

32. Should a party wish to participate by electronic means they shall give notice to that effect to the sheriff clerk by no later than 4 pm on the Thursday prior to the calling of the case.

33. The court will give effect to agreements reached by parties in respect of cases assigned to call within the social work referral procedural court without the necessity of appearance, if the court deems the orders sought as appropriate. Parties may communicate agreed positions to the sheriff clerk by no later than 4 pm on the Thursday prior to the court.

34. Applications to extend interim compulsory supervision orders will be dealt with administratively if parties are in agreement.

35. In the absence of written submissions or an agreed position, subject to paragraph 31 above, social work referral procedural cases (including applications to extend interim compulsory supervision orders) will call in court.

*Adoptions & Permanence Orders*

36. The court will permit participation in the adoption and permanence order court by electronic means or by written submissions. Written submissions must be lodged no later than 4 pm on the Thursday prior to the calling of the case. Should a party wish to participate by electronic means they must give notice to that effect to the sheriff clerk by no later than 4 pm on the Thursday prior to the calling of the case.

*Liquidations*

37. The court will permit participation in liquidation proceedings by electronic means or by written submissions. Written submissions must be lodged no later than 4 pm on the Thursday prior to the calling of the case.
38. Should a party wish to participate by electronic means they shall give notice to that effect to the sheriff clerk no later than 5 working days prior to the hearing.

**Sheriff Principal C.D.Turnbull**

**26 July 2022**

## APPENDIX 1

All correspondence with the sheriff clerk should be by e-mail, using the e-mail addresses set out below:

### **Ordinary Actions / Summary Applications**

[glasgowcivil@scotcourts.gov.uk](mailto:glasgowcivil@scotcourts.gov.uk)

### **Family Actions**

[glasgowfamilyactions@scotcourts.gov.uk](mailto:glasgowfamilyactions@scotcourts.gov.uk)

### **Debtors / Miscellaneous**

[glasgowcivil@scotcourts.gov.uk](mailto:glasgowcivil@scotcourts.gov.uk)

### **Adults with Incapacity**

[glasgowawi@scotcourts.gov.uk](mailto:glasgowawi@scotcourts.gov.uk)

### **Summary Cause (including Heritable)**

[glasgowsummarycause@scotcourts.gov.uk](mailto:glasgowsummarycause@scotcourts.gov.uk)

### **Simple Procedure**

[glasgowsimpleactions@scotcourts.gov.uk](mailto:glasgowsimpleactions@scotcourts.gov.uk)

### **Social Work Referrals**

[glasgowsocialworkreferrals@scotcourts.gov.uk](mailto:glasgowsocialworkreferrals@scotcourts.gov.uk)

### **Adoption & Permanence Orders**

[glasgowsocialworkreferrals@scotcourts.gov.uk](mailto:glasgowsocialworkreferrals@scotcourts.gov.uk)

### **Commercial Court**

[glasgowcommercialcou@scotcourts.gov.uk](mailto:glasgowcommercialcou@scotcourts.gov.uk)

### **All Other Matters**

[glasgowcivil@scotcourts.gov.uk](mailto:glasgowcivil@scotcourts.gov.uk)

## APPENDIX 2

### **Summary Cause Approved Document In Accordance With Rule 5.9(c)**

#### NOTE:

The Coronavirus (Scotland) Act 2020 suspends the requirement for physical attendance at court unless the court directs otherwise.

If you wish to appear by electronic means (which will be by telephone conference call) you must give notice of that to the sheriff clerk's office by no later than 12 noon on [FIVE WORKING DAYS PRIOR TO CALLING] and provide the following information:

- The name of the case and court reference number
- Your name
- A telephone number upon which you can be contacted by the court between 10am and 4pm on [DATE OF CALLING].

The information should be provided by e-mail to [glasgowsummarycause@scotcourts.gov.uk](mailto:glasgowsummarycause@scotcourts.gov.uk). Any documents you wish to place before the court should be sent to the aforementioned email address at the time of notification of your intention to appear by electronic means.

The following naming convention should be used in the subject line of any e-mail lodging electronic documents in process: Case name - Case Reference number - Nature of Document (e.g. A Smith v B Jones – A908-20 – Written Submissions).