

COURT OF SESSION

PRACTICE NOTE

No. 3 of 2018

**Petitions under section 46 of the Court of Session Act 1988 – petition for removal
of persons camping without authority on local authority land**

1. This Practice Note has effect from 30 November 2018.
2. It sets out the Court's expectations in relation to petitions brought by local authorities under section 46 of the Court of Session Act 1988, seeking removal of persons camping on local authority land, where their stay on that land has not been authorised by the local authority.
3. Any motion under rule 45A-3 to shorten or dispense with the period of notice requires to be justified and to be supported by relevant averments.
4. In particular, a local authority should aver:
 - (a) what its own procedures and policies are regarding removal of persons camping without authority on local authority land;
 - (b) whether it has followed its procedures and policies, and how these procedures and policies have been applied;
 - (c) why removal is required, and the reason why the period of notice requires to be shortened or dispensed with. The local authority should make clear and specific averments as to, for example, the nature of the location, the scale of the encampment, and any behaviour on the part of the occupants which gives rise to nuisance or which is otherwise detrimental to the settled community.

Edinburgh

15 November 2018

CJM Sutherland

Lord President