

## **No. 2 of 2007**

### **Motions in Certain Causes**

I, the Lord President of the Court of Session, under and by virtue of the powers conferred on me by rule 23.6(1) (day and publication and hearing of motions) of the Rules of the Court of Session 1994, hereby make the following direction:—

1. This direction applies to motions—
  - (a) in causes in the Inner House;
  - (b) under rule 43.5(1) (personal injuries actions: motions for action to proceed as an ordinary action); and
  - (c) under rule 43.6(5) (personal injuries actions: enrolment of motions on lodging record).
2. Direction No. 4 of 1994 (motions) shall apply subject to paragraphs 3 and 4 of this direction.
3. Any opposed motion will be put out for hearing at a date and time convenient to the court and, where possible, to the parties. Urgent motions will be dealt with on a priority basis.
4. The Keeper of the Rolls or clerk to the court shall intimate the date and time mentioned in paragraph 3 to the parties.
5. This direction shall come into force on 7th January 2008.

## **PRACTICE NOTE**

**No. 3 of 2007**

### **ESTIMATES OF DURATION OF DIETS**

1. This practice note has effect from 7th January 2008.
2. The amended provisions of rules 6.2, 6.3, and 43.6 are intended to improve the reliability of estimates of the likely duration of diets and thereby contribute to reducing the number of proofs, debates or other hearings which have to be continued because they do not conclude within the allotted time.
3. The giving of a carefully considered estimate will usually be assisted by discussion between the parties. It is therefore expected that prior to the enrolment of a motion for a diet or hearing counsel or the solicitor advocate instructed in the case or, in personal injuries actions, the solicitor for the party enrolling the motion will have discussed the likely duration with counsel or solicitor advocate or solicitor instructed for the other party or parties. Where senior counsel has been instructed, junior counsel will usually be expected to have conferred with senior prior to providing his estimate. Similarly, in any case put out By Order in terms of rule of court 6.3(5) and (6) in which senior counsel has been instructed, junior counsel instructed in the case appearing at that By Order hearing in the absence of senior counsel will normally be expected to have discussed with senior counsel their joint assessment of the likely duration in terms of rule of court 6.3(6)(b). Where counsel appearing at that By Order is not counsel instructed to conduct the hearing on the Summar Roll, the estimate which he or she gives will normally be expected to be an estimate which has been represented to him by those instructing him to be the estimate of counsel instructed in the case and, where senior and junior are instructed, their joint assessment.
4. Parties are expected to keep their estimates of duration of diets under review and, where an estimate changes, that party should inform the court by lodging a further form 6.2 as soon as practicable and in any event not later than 14 days before the relevant diet.

5. In personal injuries actions the initial allocation of a proof diet under rule 43.6(1)(a) is provisional and the adequacy of the duration of that initial allocation requires active consideration prior to the enrolment of a motion under rule 43.6(5).

## **PRACTICE NOTE**

**No. 4 of 2007**

### **APPLICATIONS FOR JUDICIAL REVIEW: FIRST ORDERS**

1. This practice note has effect from 7th January 2008.
2. By virtue of changes to the Rules of the Court of Session which come into force today (S.S.I.2007/548) it will no longer be necessary in all cases for counsel or another person having rights of audience to be heard by the Lord Ordinary before considering the granting of a First Order. Instead, where attendance before the Lord Ordinary is required, this will be intimated to the petitioner by the Keeper of the Rolls or the Clerk of Court.