

## COURT OF SESSION

### PRACTICE NOTE

No 2 of 2010

#### **Expeditious progress of causes in the Outer House**

1. With a view to securing the expeditious progress of causes in the Outer House, the following changes to practice take effect from 21 September 2010.

#### *Discharge of diets and further procedure*

2. The practice set out in Practice Note No 7 of 2004, whereby a party seeking the discharge of a procedure roll diet allocated under rule 6.2(4) requires to make an application by motion for discharge of that diet and further (specified) procedure, shall be extended to apply to:

- (a) all procedure roll diets;
- (b) diets of proof or jury trial;
- (c) first hearings and second hearings in petitions for judicial review.

3. Where is not possible at that stage for the court to fix further procedure, the ordinary practice should be for the court to make an order for the case to be put out for a by order hearing on a date as near as possible to two months ahead.

*Sists*

4. The ordinary practice should be for any sist to be for a determinate period.

5. Where there has been no or insignificant activity in a cause in the period of one month following the expiry of a sist, the process will be placed before a Lord Ordinary for consideration as to whether the cause should be put out for a by order hearing.

6. Where (exceptionally) a cause is sisted for an indeterminate period the process will be placed before a Lord Ordinary every six months for consideration as to whether the cause should be put out for a by order hearing.

*Inactive causes*

7. Where there is no or insignificant activity in a cause for six months the process will be placed before a Lord Ordinary for consideration as to whether the cause should be put out for a by order hearing.

8. Parties are reminded that where they are concerned about undue delay in an inactive cause, it is open to them to enrol a motion for further procedure.

*AC Hamilton*

Lord President

Edinburgh  
19 August 2010