



# **Party Litigant Guide**

## **Ordinary Actions**

Supreme Courts

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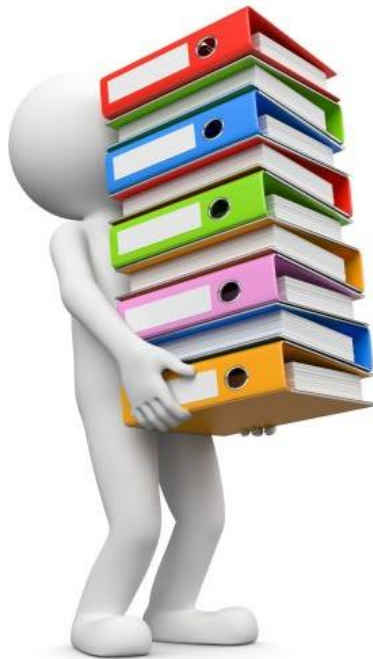
# Introduction

This guide outlines the basics you need to know as a Party Litigant raising an Ordinary Action at the Court of Session. We hope it will be of benefit to you. The guide does not provide any legal advice.

If you decide to act for yourself, you will be known as a Party Litigant. As a Party Litigant you will need to familiarise yourself with the Rules of the Court of Session. The [Rules of Court](#) are available online, and from most lending libraries.

The Offices of the Court of Session are where court documents and applications are lodged. As a Party Litigant, it is your responsibility to prepare and present your case. Staff within the offices are not able to provide you with legal advice, however they are able to give procedural guidance.

Please note that you may be found liable for legal expenses should you be unsuccessful in your case.



There is a [Glossary](#) at the end of this booklet which you may find helpful in understanding legal terms.

# Opening hours



<b>Monday</b>	<b>10:30am*</b>	<b>-</b>	<b>5.00pm</b>
<b>Tuesday-Thursday</b>	<b>9.00am</b>	<b>-</b>	<b>5.00pm</b>
<b>Friday</b>	<b>9.00am</b>	<b>-</b>	<b>4.45pm</b>

\*The Keepers Office, CMT and Sheriff Appeal Court open at 9.00am on Monday

There is limited seating and desk space in the waiting area, and it can get rather busy during peak times. We would appreciate your consideration for other customers whilst you are waiting.

Please note that there is limited staffing between the following times, and you may be required to attend at a different section to be served (notices will be in place):

<b>9.00am</b>	<b>-</b>	<b>10.00am</b>
<b>12.00pm</b>	<b>-</b>	<b>2.00pm</b>
<b>4.00pm</b>	<b>-</b>	<b>5.00pm</b>

If you attend at the public counter near to closing, you may be asked to leave without being served, unless documents are just being dropped off. Customers will be asked to leave if they are still in the department at closing time.



# General Information

## Queue System

When you arrive in the Offices of Court write your name on the queue sheet at the section. If no one is currently serving at the counter, ring the bell, and take a seat whilst you wait to be served.

## Forms

All of the Court of Session [forms](#) are available on the Scottish Courts and Tribunals Service website.

## Phoning

When you contact the section by phone about your case, please ensure you have the case reference number and case name ready. If no one is available to pick up your call, please leave a voicemail message and someone will get back to you.

## Photocopying

If you wish to obtain copies of documents in the court process, court staff can copy the documents for you. There is a fee for photocopying, which is not covered by fee exemption. Court staff will be able to inform you of the current photocopying fee.

## Lodging Documents

All documents lodged in a court process (with the exception of letters and actual productions) must have a backing sheet with the case name, case reference number, your name and address, and marked as intimated (if applicable). When a document is lodged, you will be asked to write the number of process it has been given on the backing sheet, and it will be date stamped by the counter staff.

## Productions - Lodging

When lodging productions they must have an Inventory of Productions for each bundle of productions, e.g. 6/1-7. The Inventory of Productions should be backed and clipped per above. The productions should be securely fastened, individually, and have the production number and case reference number at the top right-hand corner; they should also be page numbered.

The Inventory of Productions should not be clipped together with the productions.

## **Productions - Borrowing**

To borrow out productions, ask for the action you require, and the specific number of production(s). You will be required to fill out a borrowing receipt so we can keep track of the productions. When you borrow out productions they become your responsibility. The Inventory of Productions cannot be borrowed out, however you can ask for a photocopy.

To return productions, you must ensure they are securely fastened and in numerical order. Counter staff will collect the process, and mark the productions as returned.

## **Productions – Finally Uplifting**

When an action is disposed of, the process will be placed into a buff folder ready to be stored in the Records Office. Before a process can be transmitted to Records, productions must be finally uplifted by agents/party litigants as they are no longer required by the court.

You should check all of your productions are there and leave a receipt as you would when borrowing out productions.

## **Certified Copy Interlocutor (CCI)**

You are required to make up the CCI if you require one. A CCI must include the instance of the Summons, and a copy of the Interlocutor you wish to be certified. It should be headed up as “Certified Copy Interlocutor”.

Counter staff will check your CCI exactly matches the principal documents, and write on who it was signed by. They will then stamp and sign the CCI as a true copy. You will have to fill in the CCI book so the fee can be tracked.

**NB: Judges’ signatures must not be photocopied**

## **Extracts**

You will need to provide a Note to the Extractor, Form 7.1, which you should take to the section. Explain you require an extract and advise the date the action finished. The clerk will write the case name and reference number through the transmission book, which you then take to the Inner House & Extracts counter along with the process. If everything is in order, counter staff will sign for the process and give you the transmission book back to return to the original section.

# Summons

The summons sets out the details of your case. The summons also informs the defender(s) that an action has been raised against them and they may be required to attend court.

[Chapter 13](#) in the Rules of Court sets out what a summons must include, and will assist you in preparing your summons. You will need to complete [Form 13.2.A](#). This sets out the front and back pages of the summons, which you can complete by typing in the spaces, or by hand.

## Instance

The instance details the full names and addresses of all parties within the action, as per [Form 13.2.A](#).

## Conclusions

The conclusions of the action are what you are seeking, which may include payment from the defender(s). They should be written in numbered paragraphs on the second page of your summons. You can find examples of conclusions in [Form 13.2B](#).

## Condescendence

The condescendence details the facts of the case, forming the basis of your claim, set out in numbered paragraphs. There are certain statements (averments) that you must include in your condescendence:

- Where the defender resides;
- The grounds of jurisdiction. This is the basis on which the Court of Session is entitled to deal with the case. The most common ground of jurisdiction is the defender is residing in Scotland, or a company, having its registered office in Scotland. Jurisdiction can also be claimed on the grounds that an accident or event occurred in Scotland;
- Whether there are any other court proceedings taking place elsewhere in relation to your action.

## Pleas-in-Law

A plea-in-law is a short statement of a point of law that supports your case. You may have more than one plea-in-law, and, if so, they should be clearly numbered.

## Backing Sheet

The backing sheet must be headed up as “*Summons*” and state the names of the parties in the action.



## 4.2 Procedure

Every page of a summons must be signed. Only a solicitor, or another person with right of audience in court, has the authority to sign a summons. However, in terms of [Rule of Court 4.2\(5\)](#) you may ask the court to proceed although you have been unable to obtain the necessary signature.

If you wish to represent yourself as a party litigant, you must send in a letter asking for permission to proceed as a party litigant, along with your unsigned summons. The letter should explain the reasons why you have been unable to obtain the relevant signature, and state which solicitors firms you have contacted. This should be sent to:

Depute in Charge of the Offices of the Court of Session  
Parliament House  
11 Parliament Square  
Edinburgh  
EH1 1RQ

Your principal summons will be placed before a Lord Ordinary for consideration. Once a decision has been made, an interlocutor will be written on the summons. Your summons will be returned to you, along with a covering letter, to inform you of the decision.

If the Lord Ordinary grants permission to proceed, you are then able to sign the principal summons and proceed with the application.

**The decision of the Lord Ordinary is final and is not subject to review**



# The Process

The process is the name given to all of the papers lodged in the case. A full process is required to proceed with an action, as governed by Rule of [Court 4.4](#).

Once you have been granted permission to proceed and sign the principal summons, you must provide the main parts of process. These are:

<b>Inventory of Process</b>	Every process must have an inventory, listing all the documents lodged in the case. The inventory is not numbered.
<b>1) Principal Summons</b>	The principal signed summons
<b>2) Certified Copy Summons</b>	This is a copy of document 1. You must write "Certified a true copy" and sign the document on the top right hand corner of the first page
<b>3) Interlocutor Sheet</b>	All orders made by the court will be recorded on this sheet
<b>4) Motion Sheet</b>	Any motions enrolled in the case will be attached to this sheet
<b>5) Minute of Proceedings</b>	The Clerk of Court will record any information in addition to what is on the Interlocutor Sheet.

Numbers 6 and 7 of process are reserved for the pursuer's and defender's productions, respectively.

If possible, type up each part of process, however they can be hand written. The interlocutor sheet, motion sheet and minute of proceedings only need to be the backing sheets at this stage. Other sheets will be added as the case goes on.

Court staff can assist you in preparing the parts of process.

Each part of process must be securely fastened with a metal court clip. Court staff may be able to provide you with these court clips.

Once you have prepared the parts of process, you can post or hand-deliver it to the General Department, within the Offices of Court.

## Service of the Summons

Once your case has been signeted, the principal summons will be returned to you with the court seal on it. You can then arrange for a copy to be served upon the defender(s). This is required in terms of Rule of Court 16.

The summons can be served on the defender in the following ways:

- Messenger-at-Arms (Rule 16.3)
- By post, using a Messenger-at-Arms or an agent to do so on your behalf (Rule 16.4)
- In person if served directly to the defender's(s') agents. They must docquet the principal summons to show acceptance of service.

If served by Messenger-at-Arms or agent, they will provide you with a certificate to state the summons has been served. This certificate is your execution of service.

# Calling

After the summons has been served, you can then lodge the case for calling. As per [Rule 13.13](#), the case cannot be lodged for calling until the period of notice as expired, this is usually 21 days. When a case calls it is then active within the court. The case will appear in the Rolls of Court in the Calling List for the day it calls.

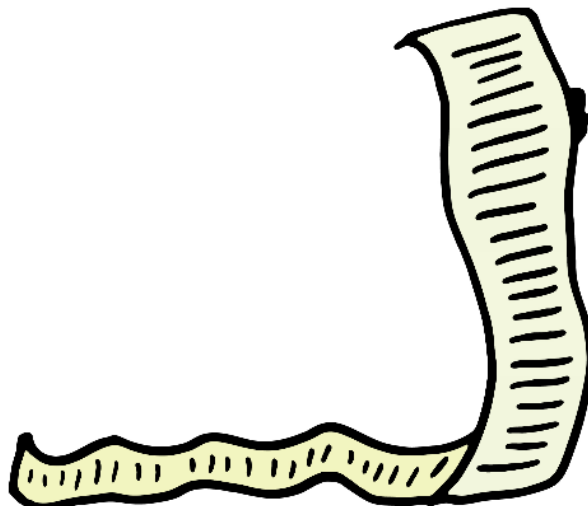
To lodge a case for calling, you need to present the signed summons with the Execution of Service included at the back of the summons, and a calling slip. The calling slip must include the names and addresses of the pursuer and defender, the case reference number and “Party Litigant”.

Counter staff will check the service of the summons, and the details on the calling slip. You will then be advised upon which day the case will call.

Please see below for the calling days:

<b>Lodged for Calling</b>	<b>Case Calls</b>
Mon 12:30pm – Tues 12:30pm	Thursday
Tues 12:30pm – Wed 12:30pm	Friday
Wed 12:30pm – Fri 12:30pm	Tuesday
Fri 12:30pm – Mon 12:30pm	Wednesday

These days may vary during vacation periods. Staff will advise you of any changes to calling list at these times.



# Defending an Ordinary Action

If an action is raised against you in the Court of Session, you will be served a copy of the summons. The summons will detail the case against you. If you wish to defend the action, you must lodge defences. There is a fee for lodging defences, please refer to the fee guidance on the SCTS website for the current lodging fee.

The summons includes statements of the pursuer's claim against you. Your defences should answer each statement, in numbered paragraphs. They should be headed up as "*Defences*", and include the instance as per the summons. The instance is the name and addresses of the pursuer(s) and defender(s).

## How to write your defences

If you...	Style and format of your answer
Agree with the statement in the summons	"Admitted that ... (the statement you are admitting to)"
Believe the statement to be true but the facts are out-with your knowledge	"Believe to be true ..."
Do not know whether the statement is true and you do not admit it	"Not known and not admitted that ..."
Deny the statement in the summons	"Denied"

After each of your answers you can give your explanation or version of the facts in response to the summons.

You must sign your defences at the end, after the words "*In Respect Whereof*" and provide a backing sheet. The backing sheet should be headed up "*Defences*" and state the name and addresses of the pursuer(s) and defender(s).

## When are defences due

Defences are due 7 days after the date of calling, unless otherwise stated by the court. It is your responsibility to check when the case calls. You may wish to ask the pursuer when they are going to lodge the case for calling, or keep in touch with the General Department who can check the case for you.

## Late Defences

If you wish to lodge defences but they are late, and no other action has already been taken by the pursuer(s), you can lodge defences along with a motion. Please see the section on enrolling motions within this guide.

Your motion should be in the following terms:

“To allow the defences, number .....of process, to be received late. The reason for late lodging is *insert reason*”



## Recall of Decree in Absence

Decree in Absence may be issued by the court at the request of the pursuer if defences are not lodged on time.

If Decree in Absence has been taken against you, you can enrol a motion for recall of the decree and allow your defences to be received late. Recall of a Decree in Absence can only be applied for no later than seven days after the date the decree was granted.

There is a fee of £25 that must be paid to the pursuer when enrolling to recall a Decree in Absence.

When you enrol your motion you should:

- Lodge your defences along with your motion;
- Intimated your defences and motion to all other parties in the action;
- Have already paid the £25 direct to the pursuer;
- Lodge the receipt of payment of £25 in process. If you are unable to get a receipt for this payment, you must include a request in your motion to excuse you from lodging one.

If your motion is granted, the court will allow your defences to be received. The action will then proceed as if you had lodged your defences on time.

### **Resident out-with the UK**

There are special arrangements if you reside out-with the UK and were not able to lodge defences on time and wish to defend the action. If decree has been granted in this situation, you must enrol a motion to recall the decree no later than one year from the date the decree was granted.

You must demonstrate it was through no fault of your own that defences were not lodged on time, due to living out-with the UK and therefore were not aware of the action in sufficient time to defend it. The motion must be enrolled within a reasonable amount of time after you became aware of the action and decree against you.

## Enrolling a Motion

A motion is an application made to the court by parties asking for a specific order to be made by the court. [Chapter 23](#) of the Rules of Court will assist you with enrolling of motions.

As a party litigant, you must enrol the motion yourself. You cannot ask anyone else to enrol the motion on your behalf. There are two ways of enrolling motions: in [Form 23.2](#), or by email via the Court Motions Team in [Form 23.1C](#).

There is a fee for enrolling a motion. This must be paid at the time of enrolment.

## Motions in Form 23.2

Motions enrolled by a party litigant or agent who has not registered with the Court Motions Team must enrol motions under Rule of Court 23.2. This also applies if any other party in the action is not part of the CMT.

Motions must be in [Form 23.2](#). You should fill in the form, briefly stating what your motion is for. If required, you can use a short paper apart. If your motion is in relation to lodging documents, these must be lodged at the same time as enrolling you motion (unless you are varying dates for lodging).

### Intimation

You must intimate a copy of your motion on all other parties in the action two days prior to enrolling your motion with the court.

Any motion seeking to dispense with the period of intimation must be of consent by other parties. Consent must be obtained and marked on the motion accordingly by the other party.

### Enrolment

Motions can be enrolled at the section counter, by fax, or by post. Your motion must be enrolled by 4pm, to enable the court staff to process the motion so it can appear in the Rolls of Court.

Motions enrolled on Monday – Wednesday will be considered two days after the date of enrolment. Motions enrolled on Thursday or Friday will be considered the following Tuesday.



## Opposing a Motion - Form 23.4

To oppose a motion enrolled by way of Form 23.2, you must use [Form 23.4](#) to notify your opposition. As well as providing the court with a copy of your opposition, you must also inform the other parties in the action that you are opposing the motion.

Oppositions are due by 12.30pm the day after enrolment of the motion.

As part of Form 23.4, you should state what you estimate the length of the opposed motion hearing will be. This assists the Keeper's Office who allocate court business.

When a motion is opposed, it becomes a Starred Motion. Appearance is required by parties at the Starred Motion hearing. The hearing will typically take place two days after the date of enrolment of the motion (or the following Tuesday), unless court business does not allow for this.

There is a fee for opposing a motion. This must be paid at the time of opposing the motion.

# Court Motions Team (CMT)

The CMT deal with motions enrolled by email for Ordinary actions when parties are signed up to the scheme. As a party litigant, you can register with the CMT so you can enrol motions via email. Please contact them directly to enquire how to do this.

The information below outlines the basic information regarding enrolling motions via the CMT.

The CMT allow for the following arrangements:

- Enrolling motions by email;
- Advising agents/party litigants by email when an opposed/starred motion will be heard in court so arrangements can be made to appear;
- Allow for the disposal of routine motions by CMT on the date of enrolment;
- Email a copy of the interlocutor to parties;
- Email out updated timetables and/or events created.

## Email Addresses

Motions should be enrolled to the CMT email address:

[courtofsession.motions@scotcourts.gov.uk](mailto:courtofsession.motions@scotcourts.gov.uk)

All motions must be intimated to the generic email addresses of all parties involved within the action prior to enrolling. A [list of all agents](#) signed up to the CMT is available on the Scottish Courts and Tribunals Service website.

## Forms

Motions [Form 23.1C](#)

Opposition [Form 23.1D](#)

## Dispensing with the period of intimation

Any motion seeking to dispense with the period of intimation must be of consent by other parties. Consent must be obtained and marked on the motion accordingly, and attached when the motion is enrolled.



# The Keeper's Office

The Keeper of the Rolls is responsible for preparing the programme of the Supreme Courts and for managing and allocating court business.

[The Rolls](#) are the lists of the business of court, published daily. The weekly Roll, showing business for the following week, is published on a Thursday.

The Rolls contain certain information on specific days of the week according to Practice, e.g. callings, the Adjustment Roll.

The Keeper's Office is also responsible for the fixing of substantive diets within the Outer and Inner Houses.

Certain diets can be fixed to accommodate the diaries of counsel representing parties. Representatives from all parties must attend at the Keeper's Office during fixing periods to arrange a mutually suitable date. Please remember the court diary may already be full, but the earliest possible date will be offered to you in the first instance.

Proofs in Ordinary actions with a duration of 4 days or less will be fixed for the first available date and not fixed to suit parties' diaries.

Fixing times are:

<b>Monday</b>	10:30am – 12:30pm 2:30pm – 4:00pm
<b>Wednesday &amp; Friday</b>	10:00am – 12:30pm 2:30pm – 4:00pm

**Please note that fixing is restricted to these times,  
and fixing over the phone is not possible**



# Lay Assistance

As a party litigant, you can apply by motion for permission to have a named individual support you, called lay assistance. This is covered in [Chapter 12A](#) and [Chapter 12B](#) in the Rules of Court.

If permission for lay assistance is granted, your assistant can sit beside you during all hearings, and may also speak on your behalf if allowed under Chapter 12B.

When enrolling your motion, you must send in [Form 12.A-A](#) or [12B](#). Part 2 of both Form 12.2-A and 12B is for your prospective lay assistant to sign. They must confirm they adhere to the statements in the forms. Motions for lay assistance are usually granted by the court, unless the court is not satisfied that to do so would be conducive to the efficient administration of justice.

Permission for lay assistance is not effective during any time when you are represented by a solicitor. The permission is only granted up until the proceedings are finished, or if permission is withdrawn.

Things you may wish your lay assistant to do are:

- Provide moral support;
- Help you manage the court documents and other papers;
- Take notes of court proceedings;
- Advise you on points of law and procedure, issues you may want to raise with the court, and questions you may wish to ask a witness.

You can show your lay assistant any document from the case and discuss information with them. Your assistant will be subject to any prohibition or restriction in relation to sharing information, as you are as a party litigant.



**Please note that any expenses you incur as a result of a lay assistant cannot be reclaimed as expenses of the proceedings.**

# Adjustments

It is normal procedure for parties to adjust their pleadings in defended actions. After the pursuer has viewed the defences, they may wish to add to statements of fact in the condescendence of the summons. The defender may then wish to respond to these adjustments by making their own, and so on.

## Open Record

It is the pursuer's responsibility to prepare and lodge the Open Record. The Open Record contains the summons and the defences, set out so each statement of fact by the pursuer is followed by the answer of the defender. It is used for the purpose of adjustment.

Two copies of the Open Record must be lodged in the process within 14 days of the defences being lodged. Once the Open Record is lodged, an adjustment period is fixed by the court, under [Rule of Court 22.1](#). Court staff will advise of the dates the adjustment commences and when the Record closes.

The pursuer must send a copy of the Open Record with a note of the period of adjustment fixed by the court to all other parties in the action.

## Closed Record

Within four weeks after the Record closes, the pursuer must lodge the Closed Record. The Closed Record should include all the adjustments made by parties in the case to date. The Closed Record also contains all interlocutors granted in the case so far.

The Closed Record must be lodged by way of motion. The motion should state which further procedure has been agreed upon between parties. If no agreement has been made, the action must be appointed to the By Order Adjustment Roll.

When enrolling your motion, you can either lodge the Closed Record along with your motion at the counter or by post, if under Rule 23.2; or if you are part of the CMT, by attaching the Closed Record to the email with your motion.

A fee is applicable upon lodging the Closed Record and appointment to a Roll. There is no fee for the motion (unless it is to allow late lodging), as it is a procedure that must be followed.

# Amendment

Once the Record has closed, any further adjustment may only be done with the permission of the court. Adjustments at this stage are referred to as an amendment. The motion needs to be accompanied by a Minute of Amendment.

Common amendments asked for are:

- Correct the name and address of the either party;
- Add an additional defender or pursuer;
- Substitute the name of another person if the case has been raised in the name of the wrong person;
- Enable a party who has sued in a representative capacity to sue in his own right, and vice-versa;
- Vary the amount sued for;
- Direct existing or additional conclusions, averments and pleas-in-law against a new party.

## Minute of Amendment

The Minute of Amendment should be headed up, state the instance, and have a backing sheet. It should include:

*“(your name) hereby craves leave of the court to amend the (summons/defences/record) as follows:”*

You should list amendments you want to make in numbered paragraphs. For example *“To delete the pursuer’s address where it appears in the instance of the Summons and in the condescendence one and substitute therefor...”*

After the list of amendments, the words *“In Respect Whereof”* must appear. The Minute of Amendment does not require to be signed.

## Court Fees

Details of [court fees](#) can be found on the SCTS website.

Some of the common court fees are:

- Signeting of a summons
- Lodging defences
- Enrolling or opposing a motion
- Fees in court\*

\*A court hearing before a single judge is charged to each party for every 30 minutes, or part thereof, during normal hours. The first 30 minutes of motion hearing is not charged for, but additional time will incur a charge.

Payment of court fees can be paid by cash, card, cheque or postal order. Please not send cash in the post; cash can only be taken over the public counter.

Cheques and postal orders must be made payable to the Scottish Courts and Tribunals Service.

You will be issued with a receipt for any payment taken. If you pay by card over the phone, a receipt will also be emailed to you from our payment system.



## Fee Exemption

If you are fee exempt, then court fees will not be charged for. You must lodge a Fee Exemption form, along with relevant supporting documentation. Please see the [Fee Exemption Form](#) for further details. If you do not provide the supporting documents, then fees will be charged.

Please note that charges for photocopying are not covered by fee exemption, and payment must be made prior to photocopies being obtained.

# Glossary of Terms



<b>Abandonment</b>	A procedure by which a party gives up civil proceedings or an appeal
<b>Absolvitor</b>	The judgment pronounced when a court decides in favour of a party against whom an action has been raised
<b>Action</b>	Proceedings raised by a person in a civil court, seeking enforcement of a legal right
<b><i>Ad Interim</i></b>	In the meantime
<b>Adjust</b>	To alter the written basis of an action in its early stages
<b>Advising</b>	When a judgment of the Court of Session is delivered/issued
<b>Advocate</b>	A member of the Scottish Bar
<b>Affidavit</b>	A signed statement, made under oath
<b>Aliment</b>	Support of maintenance of a spouse or child enforceable by law
<b>Answers</b>	Statement setting out factual and legal response of a party to proceedings raised against him or her
<b>Appeal</b>	Re-hearing of a case by a higher court than the court that first heard the case. This is the Inner House at the Court of Session
<b>Appearance</b>	The formal act where by the defender in an action intimates intention to defend
<b>Assolizies</b>	To absolve or decide finally in favour of the defender
<b><i>Avizandum</i></b>	To be considered. Judgment is deferred, an oral or written decision to be given later



<b>By Order</b>	A hearing of a case put out at the request of the court
<b>Calling List</b>	List of cases calling in the Court of Session that day
<b>Caution</b>	Security in civil matters
<b>Caveat</b>	A legal document lodged by a party so certain orders or ruling affecting them may not be granted in their absence without receiving prior notification
<b>Conclusion</b>	Statements in a Summons stating the precise order(s) sought
<b>Condescendence</b>	Part of the pursuer's written case which contains a statement of the facts on which they rely
<b>Counsel</b>	A member of the Faculty of Advocates practising at the Scottish Bar
<b>Decern</b>	Final Decree or Judgment, formerly, but no longer necessary, to warrant the issue of an extract copy of the Judgment
<b>Decree</b>	Common term for the final judgment
<b>Defences</b>	The defender's written answers to the summons of the pursuer
<b>Defender</b>	A person who disputes the claim of the pursuer and lodges defences
<b>Diet</b>	Date for hearing of a case for any one of a variety of purposes, fixed by the Court
<b>Extract</b>	Written instrument signed by the Extractor, containing a statement of a decree and, if necessary, a warrant to charge the debtor and to execute all competent diligence against person or property
<b>Inner House</b>	The Civil Appeal Court
<b>Instance</b>	The part of the Summons or Writ in which the parties to the action are identified

<b>Interlocutor</b>	A formal order made by a court containing its decision
<b>Interdict</b>	A court order preventing someone from doing something
<b>Inventory of Process</b>	List of all documents lodged within the court process
<b>Judgment</b>	Decision of a court setting out its reasons, called an Opinion
<b>Lord Ordinary</b>	The title of a judge sitting in the Outer House of the Court of Session
<b>Messenger-at-Arms</b>	Officers whose function it is to execute civil warrants of the Court of Session
<b>Motion</b>	An application made in court to ask for an order during the course of an action
<b>Note</b>	Form of application to the court in existing proceedings
<b>Opinion</b>	Statement by a court or Judge setting out reasons for the decisions in a case
<b>Outer House</b>	Deals with first instance business in civil actions
<b>Petition</b>	A document by which court proceedings are initiated
<b>Plea-in-Law</b>	A short proposition at the end of a written case showing the legal remedy sought
<b>Process</b>	Court papers relating to a case
<b>Production</b>	An article produced and lodged as evidence
<b>Proof</b>	Hearing of evidence and legal submissions before a single judge, no jury
<b>Proof Before Answer</b>	Hearing of evidence on the facts before questions of law are determined

<b>Prorogate</b>	Continue or extend; further time is allowed to do something required by the court
<b>Pursuer</b>	Person suing in an action
<b>Record</b>	Statements of parties' respective claims lodged in the process. In Ordinary Actions - after pleadings have been finally adjusted, a Closed Record is then lodged. In Personal Injury Actions – the Record is lodged by the date set in a timetable
<b>Repone</b>	To restore a defender to position as a litigant when decree in absence has been given against them
<b>Rolls</b>	Official list of cases set down for a hearing. Published by the Keepers Office
<b>Signet</b>	Seal of the Court of Session. Applied to a Summons as authority to serve the Summons upon the defender(s)
<b>Sist</b>	(i) To stay/stop/pause a process (ii) To summon or call as a party
<b>Starred Motion</b>	A motion in the Court of Session for which appearance is required
<b>Summons</b>	Form of a writ in the Court of Session issued in name of the sovereign and containing a Royal mandate to Messenger-at-Arms to cite the defender to the Court of Session
<b>Vexatious litigant</b>	A person who takes proceedings primarily for the annoyance or embarrassment of the defender and whose activities in raising actions may be restrained by the Court of Session

A fuller list of definitions can be found on the Judiciary of Scotland website, which can be found [here](#).

# Notes:



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Office Manager 0131 240 6743  
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Court Motion Team 0131 240 6722  
Fax Number 0131 240 6746

## **Party Litigant Guide Ordinary Actions**

### **Court of Session Parliament House**

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DX 549306 Edinburgh 36

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