

CHAPTER 2

RELIEF FROM COMPLIANCE WITH RULES

Relief for failure to comply with rules

2.1.- (1) The court may relieve a party from the consequences of a failure to comply with a provision in these Rules shown to be due to mistake, oversight or other excusable cause on such conditions, if any, as the court thinks fit.

(2) Where the court relieves a party from the consequences of a failure to comply with a provision in these Rules under paragraph (1), the court may pronounce such interlocutor as it thinks fit to enable the cause to proceed as if the failure to comply with the provision had not occurred.

Circumstances where aspect of procedure unsuitable

2.2.- (1) Subparagraph (2) applies where, for any reason, the Lord President is of the opinion that an aspect of the procedure which would otherwise apply to particular proceedings, or proceedings of a particular description, is unsuitable for the efficient disposal of those proceedings.

(2) The Lord President may direct that that aspect of the procedure is not to apply in respect of those proceedings and that such other procedure as he directs is to apply instead.

(3) Before making such a direction the Lord President must consult—

- (a) in the case of particular proceedings, the parties;
- (b) in the case of proceedings of a particular description, the parties of any proceedings falling within the description which have already been raised.