



GUIDANCE FOR COURT USERS

PROCEEDINGS IN THE SHERIFF COURTS

1. INTRODUCTION

- 1.1 This guidance has been produced by the Sheriffs Principal to achieve a consistency of approach across the sheriff courts wherever possible. Practitioners and litigants should also have regard to guidance issued locally in any sheriffdom.
- 1.2 This guidance supersedes and replaces "*Guidance for Court Users: Proceedings in the Sheriff Courts*" issued by the Scottish Courts and Tribunals Service dated 22 July 2022.
- 1.3 This guidance will be effective from 30 October 2023.

2. CIVIL BUSINESS: MODE OF HEARING

- 2.1 Parties will be expected to address the court on the mode of hearing when inviting the court to fix a diet at which it is proposed evidence will be led. Unless otherwise directed by the court, proofs and other substantive hearings will be conducted in person.
- 2.2 In terms of Chapter 4A of the Ordinary Cause Rules, all procedural business will be conducted by electronic means unless otherwise directed by the court.
- 2.3 Paragraph 2.2 does not apply to child welfare hearings and to summary cause actions in which recovery of possession of heritable property is sought in terms of the Housing (Scotland) Act 2001. Practitioners and litigants should refer to the terms of the guidance issued by the Sheriffs Principal in relation to such actions: "*Guidance to Court Users: Child Welfare Hearings in the Sheriff Courts*" dated 11 July 2022 and "*Management of Summary Cause Proceedings: Housing (Scotland) Act 2001*" dated 1 July 2022.

3. Motions to discharge diets

3.1 Applications to discharge a diet require to be made by way of a written motion in terms of Chapter 15 of the Ordinary Cause Rules, failing which parties are expected to attend the diet, move the court to grant a discharge and address the court on any issue of expenses arising.

3.2 Paragraph 3.1 above shall not apply to child welfare hearings or to commercial case management hearings. Where a discharge is sought in respect of such hearings, parties are required to email the relevant sheriff court inbox (copying in all other parties who are required to indicate their consent to a discharge) by 3pm the day before the hearing, failing which parties will be expected to attend the hearing and move the court to grant a discharge.

4. Submission of Electronic Documents

4.1 Court users and practitioners are reminded that they require to have regard to paragraphs 2.9 and 2.10 of the [*Guidance for Court Users: Electronic Submission of Documents*](#) dated 14 October 2022 which are in the following terms:

“2.9 Documents should be lodged by the date specified in the court rules or in an interlocutor. Any document which is lodged late will require to be accompanied by a written motion for the document to be received late.

2.10 Court users and practitioners should avoid sending documents after 4.00pm the day before a hearing is scheduled to take place. Such documents will not ordinarily be prepared by the sheriff clerks and made available to the sheriff for the hearing.”

The Sheriffs Principal

26 October 2023