

Sheriffdom of Grampian Highland and Islands
Guidance on the Management of Civil Business

Introduction

1. This guidance has effect from 15 June 2020. The guidance will be subject to ongoing review.
2. The purpose of this guidance is to facilitate insofar as possible the efficient disposal of civil business in the sheriff courts of the sheriffdom in light of the ongoing social distancing requirements caused by Covid-19.

Civil Hearings

3. Part I of Schedule 4 of the Coronavirus (Scotland) (No.2) Act 2020 suspends the requirement for physical attendance at court unless the court directs otherwise. All civil hearings in the sheriffdom which do not require the leading of evidence will be conducted remotely.
4. Hearings which require the leading of evidence will also be conducted remotely as far as possible. Only where necessary, where social distancing restrictions can be adhered to and where evidence cannot be led remotely, will the physical presence of witnesses be permitted in court buildings.

Conduct of Hearings

5. Procedural and substantive business in the sheriffdom will be managed in accordance with the three phased approach to the recovery of civil business published on the Scottish Courts and Tribunal Service website on 1 June 2020
6. The approaches to conducting procedural hearings, opposed motions or debates are either by telephone conference call (teleconference) or video conference as and when facilities allow in each court. Parties will be

provided with joining instructions and access codes. The media will be provided with access to hearings on request and where call capacity permits.

7. Parties must provide electronic intimation of their position in respect of any hearing to the relevant sheriff court by email (using the mailboxes referred to in Appendix 1) at least 48 hours in advance of the hearing. Any agreed position in respect of the hearing may then allow for administrative discharge of the hearing or an interlocutor in agreed terms to be granted
8. Approaches to the management of remote hearings requiring the presentation of productions and witnesses are still evolving and will be discussed with parties on a case by case basis. Additional guidance may be issued as experience develops.
9. Any party attending a court hearing by teleconference or by other remote means is expected to maintain equivalent standards of behaviour as if they were attending court physically. Parties must ensure a quiet and secure place for their participation in any remote hearing.
10. Parties will be responsible for ensuring that any witnesses cited for substantive hearings are able to appear remotely. Where a sheriff has deemed personal attendance of a witness or party at a hearing necessary, those attending will be required to adhere to the instructions of court staff and to observe social distancing requirements at all times. Parties will be responsible for ensuring that any witness or party attending a court building arrives no earlier than 10 minutes before a time agreed with the court. Within each court, social distancing must be observed.

11. The recording of a court hearing conducted by teleconference or video conference is not permitted without the consent of the court.

Sheriff Principal D C W Pyle

11 June 2020

Appendix 1

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