



## Coronavirus

### Guidance in respect of Civil Business

No. 18 of 2020

This guidance sets out the arrangements for the management of civil business in the Sheriffdom of Glasgow & Strathkelvin with effect from Monday 29 June 2020. It supersedes "*Coronavirus – Guidance in respect of Civil Business No. 13 of 2020*" of 15 May 2020.

#### *General*

1. The attention of practitioners is drawn to Practice Note No 1 of 2006<sup>1</sup>, the provisions of which should be utilised wherever possible.
2. All documents in relation to new and existing civil cases should be lodged electronically in accordance with the provisions of "*Coronavirus - Guidance in respect of the Electronic Submission of Documents No. 17 of 2020*" dated 24 June 2020.
3. Any documents lodged electronically which would normally attract a fee must be accompanied by the account number to which the fee is to be charged.
4. "*Coronavirus - Guidance in respect of the warranting of urgent initial writs etc. No. 9 of 2020*" dated 27 March 2020 is revoked with immediate effect.
5. Save in respect of proofs and evidential hearings, unless the court directs otherwise, attendance at all hearings will be by electronic means. If a party contends that a hearing to be by electronic means would prejudice the fairness of

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<sup>1</sup> See [http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/sheriff-court/glasgow-and-strathkelvin/pn01\\_2006.pdf?sfvrsn=11](http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/sheriff-court/glasgow-and-strathkelvin/pn01_2006.pdf?sfvrsn=11)

proceedings or otherwise be contrary to the interests of justice they shall make application by motion for a direction that parties attend physically.

#### *Representation*

6. To facilitate the attendance of parties by electronic means the court must be provided with contact details for parties' representatives.
7. In each civil action, all parties shall lodge with the sheriff clerk by no later than the earlier of (i) 2 working days after the action is defended; or (ii) 5 working days prior to the first hearing, a note setting out:
  - a. the name of the individual representing the party or in the case of a party litigant, confirmation that the party is self-represented (hereinafter referred to as "the representative");
  - b. the representative's direct telephone number; and
  - c. the representative's direct e-mail address
8. A copy of the note referred to in the foregoing paragraph shall, at the time of lodging with the sheriff clerk, be sent to all other parties participating in the action.
9. Where the identity of the representative of any party changes an updated note shall be lodged with the sheriff clerk (and sent to all other parties participating in the action) forthwith.

#### *Case Management*

10. All defended ordinary actions; summary applications; and family actions will be assigned to a nominated sheriff for the purposes of case management.
11. Insofar as practicable, all hearings in defended ordinary actions; summary applications; and family actions will be conducted by the nominated sheriff.

#### *Ordinary Court*

12. All ordinary court cases assigned for the courts to and including that of 10 July 2020 will be continued for a period of 8 weeks.

13. Save insofar as provided for in relation to summary applications for the enforcement of security over residential property within the meaning of Part IV of Chapter 3 of the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 at paragraph 17 below, all hearings in respect of summary applications assigned for the ordinary courts to and including that of 10 July 2020 will be continued for a period of 8 weeks.
14. Peremptory diets will re-commence with effect from 7 August 2020.
15. The court will permit participation at peremptory diets by electronic means.
16. In the event of parties reaching an agreed position in any case assigned for the ordinary court, that position should be intimated by email to [glasgowcivil@scotcourts.gov.uk](mailto:glasgowcivil@scotcourts.gov.uk) as soon as possible to enable hearings to be discharged administratively and for agreed orders to be made (if the court deems the orders sought as appropriate), wherever practicable.

*Applications for the Enforcement of Security over Residential Property*

17. In all summary applications for the enforcement of security over residential property within the meaning of Part IV of Chapter 3 of the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999, any hearing previously assigned (including, for the avoidance of any doubt, any evidential hearing) will be discharged and the application sisted until further order of court.

*Motions*

18. Motions shall be lodged by email to [glasgowcivil@scotcourts.gov.uk](mailto:glasgowcivil@scotcourts.gov.uk) (ordinary actions and summary applications) or to [glasgowfamilyactions@scotcourts.gov.uk](mailto:glasgowfamilyactions@scotcourts.gov.uk) (family actions).
19. A motion shall be accompanied by written submissions in support of the motion.
20. Where a motion is opposed the notice of opposition shall be accompanied by written submissions setting out the grounds of opposition.

21. Should a motion be opposed a hearing will not automatically be assigned. In the first instance, parties will be invited to consider whether the motion is capable of being disposed of on the basis of the written submissions lodged.
22. If a motion is not to proceed on the basis of written submissions a hearing will be assigned.
23. Insofar as practicable, opposed motions will be heard by the sheriff nominated in terms of paragraph 10 above.

#### *Debtors Court*

24. The debtors / miscellaneous court will sit each Friday.
25. The court will permit participation in the debtors / miscellaneous court by electronic means or written submissions. Written submissions should be sent to [glasgowcivil@scotcourts.gov.uk](mailto:glasgowcivil@scotcourts.gov.uk).

#### *Adults with Incapacity Court*

26. The AWI court will continue to sit each Wednesday (within Glasgow Sheriff Court) until further notice.
27. The court will permit participation in the AWI court by electronic means or by written submissions. Written submissions should be sent to [glasgowawi@scotcourts.gov.uk](mailto:glasgowawi@scotcourts.gov.uk).

#### *Simple Procedure*

28. Case management discussions in all actions previously paused will recommence with immediate effect.
29. The court will permit participation in case management discussions by electronic means.

#### *Heritable Court*

30. All heritable court cases will remain sisted until further notice.

#### *Summary Cause*

31. All summary cause cases will remain sisted until further notice.

*Social Work Referrals*

32. Procedural courts will continue as programmed. Proofs will be assigned for dates after 10 August 2020.
33. The court will permit participation in social work referral procedural courts by electronic means or by written submissions. Written submissions should be sent to [glasgowsocialworkreferrals@scotcourts.gov.uk](mailto:glasgowsocialworkreferrals@scotcourts.gov.uk).
34. The court will give effect to agreements reached by parties in respect of cases assigned to call within the procedural courts without the necessity of appearance. Parties may communicate agreed positions to the court by email to [glasgowsocialworkreferrals@scotcourts.gov.uk](mailto:glasgowsocialworkreferrals@scotcourts.gov.uk).
35. Applications to extend interim compulsory supervision orders will be dealt with administratively if parties are in agreement.

*Adoptions & Permanence Orders*

36. The adoption and permanence order court will re-commence sitting on Friday 2 July 2020.
37. The court will permit participation in the adoption and permanence order court by electronic means or by written submissions. Written submissions should be sent to [glasgowsocialworkreferrals@scotcourts.gov.uk](mailto:glasgowsocialworkreferrals@scotcourts.gov.uk).

**Sheriff Principal C.D.Turnbull**

**26 June 2020**