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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 186**

**Act of Sederunt (Rules of the Court of Session,  
Sheriff Appeal Court Rules and Sheriff Court  
Rules Amendment) (Lay Representation) 2017**

**Citation and commencement, etc.**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session, Sheriff Appeal Court Rules and Sheriff Court Rules Amendment) (Lay Representation) 2017.

(2) It comes into force on 3rd July 2017.

(3) A certified copy is to be inserted in the Books of Sederunt.

**Amendment of the Rules of the Court of Session**

2.—(1) The Rules of the Court of Session 1994<sup>(1)</sup> are amended in accordance with this paragraph.

(2) In rule 12B.2 (lay representation for party litigants)<sup>(2)</sup>—

(a) in paragraph (1) for “making oral submissions on behalf of” substitute “representing”;

(b) in paragraphs (2)(b) and (3) for “make oral submissions” substitute “represent the litigant”;

(c) in paragraph (4) for “assist the court” substitute “be in the interests of justice”; and

(d) after paragraph (7) insert—

“(7A) Where permission is granted under paragraph (1), the lay representative may do anything in the preparation or conduct of the hearing that the litigant may do.”.

(3) In the Appendix (forms), in Form 12B.2 (application by party litigant for lay representation)<sup>(3)</sup> for “make oral submissions on your behalf” substitute “represent you”.

**Amendment of the Sheriff Appeal Court Rules**

3.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2015<sup>(4)</sup> is amended in accordance with this paragraph.

(2) In rule 4.3 (lay representation: applications) in paragraph (5) for “assist its consideration of the appeal” substitute “be in the interests of justice”.

(3) In rule 4.4 (lay representation: functions, conditions and duties)—

(a) in paragraph (1) omit from “for” to the end;

(b) in paragraph (2) for “make oral submissions” substitute “represent the party”; and

(c) after paragraph (2) insert—

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<sup>(1)</sup> The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2017/132.

<sup>(2)</sup> Rule 12B.2 was inserted by S.S.I. 2012/189.

<sup>(3)</sup> Form 12B.2 was inserted by S.S.I. 2012/189.

<sup>(4)</sup> S.S.I. 2015/356, last amended by S.S.I. 2016/315.

“(2A) Where permission is granted under rule 4.3, the lay representative may do anything in the preparation or conduct of the hearing that the party may do.”

(4) In schedule 2 (forms), in Form 4.3 (statement of prospective lay representative for appellant or respondent) for “to make oral submissions on behalf of” substitute “permission to represent”.

#### **Amendment of the Ordinary Cause Rules**

4.—(1) The Ordinary Cause Rules 1993<sup>(5)</sup> are amended in accordance with this paragraph.

(2) In rule 1A.2 (lay representation for party litigants)<sup>(6)</sup>—

- (a) in paragraph (1) for “making oral submissions on behalf of” substitute “representing”;
- (b) in paragraph (2)(a) for “make oral submissions” substitute “represent the litigant”;
- (c) in paragraph (3) for “assist his or her consideration of the case” substitute “be in the interests of justice”; and
- (d) after paragraph (6) insert—

“(6A) Where permission is granted under paragraph (1), the lay representative may do anything in the preparation or conduct of the hearing that the litigant may do.”

(3) In Appendix 1 (forms), in Form 1A.2 (statement by prospective lay representative for pursuer/defender)<sup>(7)</sup> for “to make oral submissions on behalf of” substitute “permission to represent”.

#### **Amendment of the Summary Application Rules**

5.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999<sup>(8)</sup> are amended in accordance with this paragraph.

(2) In rule 1A.2 (lay representation for party litigants)<sup>(9)</sup>—

- (a) in paragraph (1) for “making oral submissions on behalf of” substitute “representing”;
- (b) in paragraph (2)(a) for “make oral submissions” substitute “represent the litigant”;
- (c) in paragraph (3) for “assist his or her consideration of the case” substitute “be in the interests of justice”; and
- (d) after paragraph (6) insert—

“(6A) Where permission is granted under paragraph (1), the lay representative may do anything in the preparation or conduct of the hearing that the litigant may do.”

(3) In schedule 1 (forms), in Form A1 (statement by prospective lay representative for pursuer/defender)<sup>(10)</sup> for “to make oral submissions on behalf of” substitute “permission to represent”.

#### **Amendment of the Summary Cause Rules**

6.—(1) The Summary Cause Rules 2002<sup>(11)</sup> are amended in accordance with this paragraph.

(2) In rule 2A.2 (lay representation for party litigants)<sup>(12)</sup>—

- (a) in paragraph (1) for “making oral submissions on behalf of” substitute “representing”;

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<sup>(5)</sup> The Ordinary Cause Rules 1993 are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c.51). Schedule 1 was substituted by S.I. 1993/1956 and last amended by S.S.I. 2017/132.

<sup>(6)</sup> Rule 1A.2 was inserted by S.S.I. 2013/91.

<sup>(7)</sup> Form 1A.2 was inserted by S.S.I. 2013/91.

<sup>(8)</sup> S.I.1999/929, last amended by S.S.I. 2016/319.

<sup>(9)</sup> Rule 1A.2 was inserted by S.S.I. 2013/91.

<sup>(10)</sup> Form A1 was inserted by S.S.I. 2013/91.

<sup>(11)</sup> The Summary Cause Rules 2002 are in schedule 1 of the Act of Sederunt (Summary Cause Rules) 2002 (S.S.I. 2002/132, last amended by S.S.I. 2016/315).

<sup>(12)</sup> Rule 2A.2 was inserted by S.S.I. 2013/91.

- (b) in paragraph (2)(a) for “make oral submissions” substitute “represent the litigant”;
- (c) in paragraph (3) for “assist his or her consideration of the case” substitute “be in the interests of justice”; and
- (d) after paragraph (6) insert—

“(6A) Where permission is granted under paragraph (1), the lay representative may do anything in the preparation or conduct of the hearing that the litigant may do.”.

(3) In Appendix 1 (forms), in Form A1 (statement by prospective lay representative for pursuer/defender)(13) for “to make oral submissions on behalf of” substitute “permission to represent”.

Edinburgh  
1st June 2017

*CJM SUTHERLAND*  
Lord President  
I.P.D.