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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 166**

**Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (Miscellaneous) 2020**

**Amendment of the Ordinary Cause Rules 1993**

- 3.—(1) The Ordinary Cause Rules 1993(1) are amended in accordance with this paragraph.  
(2) After rule 29.17 (proof to be taken continuously), insert—

**“Proof management hearing**

**29.17A.**—(1) Where a proof diet has been—

- (a) discharged;
- (b) adjourned, whether under rule 29.17 (proof to be taken continuously) or otherwise;  
or
- (c) continued to a later date,

the sheriff may, of the sheriff’s own motion, fix a proof management hearing.

(2) It is the duty of the parties to provide the sheriff with sufficient information to enable the sheriff to conduct the hearing as provided for in this rule.

(3) At a proof management hearing the sheriff is to ascertain, so far as is reasonably practicable, whether the cause can proceed to proof or, as the case may be, continued proof and in particular—

- (a) when the parties expect to be able to proceed to proof or continued proof;
- (b) the likely availability of witnesses;
- (c) the extent to which the proof or continued proof, and the attendance of witnesses, may be conducted remotely and how that might be achieved; and
- (d) the extent to which affidavit evidence may be used.

(4) At a proof management hearing the sheriff may—

- (a) discharge the proof or continued proof;
- (b) fix a date for the proof diet or, as the case may be, a new date for the continued proof;
- (c) continue the proof management hearing to a later date;
- (d) make such other order as the sheriff thinks fit to secure the expeditious progress of the cause.”.

(3) After rule 36.H1(2) (applications for sist or for variation of timetable)(2) insert—

“(2A) The sheriff may, on the sheriff’s own motion, vary the timetable where satisfied that the efficient determination of the action would be served by doing so and in consequence may—

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(1) 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. 2020/28.  
(2) Rule 36.H1 was inserted by S.S.I. 2009/285 and last amended by S.S.I. 2014/152.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) discharge a diet ordered pursuant to rule 36.G1(5) or (7) (allocation of diets and timetables)**(3)**; or
- (b) sist the action.”.