
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 168

Act of Sederunt (Rules of the Court of
Session 1994 and Ordinary Cause Rules 1993
Amendment) (Attendance at Hearings) 2023

Amendment of the Ordinary Cause Rules 1993

- 3.—(1) The Ordinary Cause Rules 1993(1) are amended in accordance with this paragraph.
- (2) In rule 1.2(1) (interpretation)(2), before the definition of “document” insert—
““attend”, “attendance” and “attend personally” are construed in accordance with Chapter 4A (mode of attendance at hearings);”.
- (3) Before Chapter 5 (citation, service and intimation)(3), insert—

“CHAPTER 4A

MODE OF ATTENDANCE AT HEARINGS

Application

4A.1. This Chapter is without prejudice to any enactment under which provision has been made regarding the mode of attendance of persons at hearings.

Mode of attendance at hearings – procedural business

4A.2.—(1) Hearings at which only procedural business is to be considered are to be attended by electronic means.

(2) Paragraph (1) does not apply to hearings at which a party is unrepresented or utilising an interpreter.

Alternative mode of attendance at hearings

4A.3.—(1) The sheriff may, at the sheriff’s own instance or on the motion of a party on cause shown—

- (a) in relation to hearings to which rule 4A.2(1) applies, order physical attendance at a hearing;
- (b) in relation to any other hearings, order attendance at a hearing by electronic means.

(2) The sheriff may revoke an order granted under paragraph (1) or this paragraph and, where the sheriff does so, the sheriff may make such further order as the sheriff thinks fit.

(1) The Ordinary Cause Rules are in schedule 1 of the Sheriff Court (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by [S.I. 1993/1956](#) and last amended by [S.S.I. 2022/329](#).

(2) Rule 1.2(1) was last amended by [S.S.I. 2007/463](#).

(3) Chapter 5 was substituted by [S.I. 1993/1956](#). Chapter 4 was omitted by [S.S.I. 2006/198](#).

Status: This is the original version (as it was originally made).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

(3) Before the sheriff makes an order under paragraph (1) or (2), the sheriff is to give parties the opportunity to make representations about the mode of attendance.

Hybrid hearings

4A.4. An order under rule 4A.3(1) or (2) may include provision for a person to attend a hearing—

- (a) both physically and by electronic means;
- (b) by one mode and another person to attend by the other mode,

and at different times or dates.”

(4) Chapter 32A (live links)(4) is revoked.