

SCHEDULE 4 JUSTICE

PART 1

COURTS AND TRIBUNALS: CONDUCT OF BUSINESS BY ELECTRONIC MEANS

Attendance by electronic means

- 3 (1) A person excused from a requirement to physically attend a court or tribunal by virtue of paragraph 2(1) or (3) must instead appear before the court, tribunal or office holder (as the case may be) by electronic means in accordance with a direction issued by the court or tribunal.
- (2) A person who fails to do so is to be regarded as having failed to comply with the requirement to physically attend from which the person is excused.
- (3) The power under sub-paragraph (1) to issue a direction includes the power to vary or revoke an earlier direction under that sub-paragraph.
- (4) A direction under sub-paragraph (1)—
- (a) is to set out how the person is to appear by electronic means before the court, tribunal or office holder, and
 - (b) may include any other provision the court or tribunal considers appropriate.
- (5) A court or tribunal may issue a direction under sub-paragraph (1) on the motion of a party or of its own accord.
- (6) Before issuing a direction under sub-paragraph (1), the court or tribunal must—
- (a) give all parties an opportunity to make representations, and
 - (b) have regard to any guidance issued by—
 - (i) the Lord President of the Court of Session, or
 - (ii) the Lord Justice General.
- (7) A direction under sub-paragraph (1) that—
- (a) sets out how a party to proceedings is to attend, by electronic means, a trial diet must provide for the party to use means that enable the party to both see and hear all of the other parties, the judge and (where applicable) the jury and any witness who is giving evidence,
 - (b) sets out how a witness who is to give evidence at a trial diet is to attend by electronic means, must provide for the witness to use means that enable all of the parties, the judge and (where applicable) the jury to both see and hear the witness.
- (8) Nothing in sub-paragraph (7) is to be taken to mean that a person is to be enabled to see or hear a witness in a way that measures taken in accordance with an order of the court or tribunal would otherwise prevent.