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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 548**

**Act of Sederunt (Rules of the Court of Session  
Amendment No. 10) (Miscellaneous) 2007**

**Written estimates of diets**

**3.—(1) In rule 6.2 (fixing and allocation of diets in Outer House)(1)–**

**(a) after paragraph (2) insert–**

“(2A) Where a party enrolls a motion for a cause to be appointed to the Procedure Roll he shall include in the enrolled motion his estimate of the likely duration of the Procedure Roll hearing.

(2B) If any other party considers that the estimate included under paragraph (2A) is too low, he shall record upon the enrolled motion his own estimate.

(2C) On such papers (whether or not the closed record) as are transmitted to the Keeper of the Rolls for the purposes of his carrying out the functions conferred on him by paragraphs (3) and (4), the clerk of court shall note the estimate provided in pursuance of paragraph (2A) unless a higher estimate is recorded under paragraph (2B), in which case the note shall only be of the higher (or as the case may be the highest) estimate so recorded.”; and

**(b) after paragraph (7) insert–**

“(7A) Any estimate included or recorded by a party under paragraph (2A), (2B), (5) or (6) shall be certified in Form 6.2 by any counsel or other person having a right of audience instructed by that party to represent him at the Procedure Roll hearing, proof, or jury trial, as the case may be.

(7B) A certificate under paragraph (7A) shall be lodged–

(a) where it relates to an estimate included under paragraph (2A) or (5), at the time of enrolling the motion mentioned in that paragraph;

(b) where it relates to an estimate recorded under paragraph (2B) or (6), at the time of recording that estimate.

(7C) Where a party’s original estimate of the duration of any diet changes, that party shall lodge a further Form 6.2 no later than 14 days before the date of any Procedure Roll hearing, proof or jury trial.”.

**(2) In rule 6.3 (allocation of diets in Inner House)(2), after paragraph (6) insert–**

“(7) Any–

(a) estimate included by a party under paragraph (2);

(b) estimate recorded by a party under paragraph (3); or

(c) re assessment provided by a party under paragraph (6),

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(1) Rule 6.2 was amended by S.I.1998/890.

(2) Rule 6.3 was substituted by S.I. 1998/890.

shall be certified in Form 6.3 by any counsel or other person having a right of audience instructed by that party to represent him at the summar roll hearing.

(8) A certificate under paragraph (7) shall be lodged–

- (a) where it relates to an estimate included under paragraph (2), at the time of enrolling the motion mentioned in that paragraph;
- (b) where it relates to an estimate recorded under paragraph (3), at the time of recording that estimate;
- (c) where it relates to a re assessment provided under paragraph (6), not less than one day before the hearing on the By Order Roll under paragraph (5).”.

(3) In rule 43.6 (allocation of diets and timetables)(3), after paragraph (5) insert–

“(5A) The pursuer shall include in the enrolled motion under paragraph (5) his estimate of the likely duration of the preliminary proof, proof or jury trial, or any other hearing sought, and request that the diet be allocated accordingly.

(5B) If any party considers that the estimate included under paragraph (5A) is too low, he shall record upon the enrolled motion his own estimate.

(5C) Any estimate included or recorded by a party under paragraph (5A) or (5B) shall be certified in Form 43.6A by that party’s solicitor or by any counsel or other person having a right of audience instructed by that party to represent him at the preliminary proof, proof, jury trial or other hearing, as the case may be.

(5D) A certificate under paragraph (5C) shall be lodged–

- (a) where it relates to an estimate included under paragraph (5A) at the time of enrolling the motion under paragraph (5);
- (b) where it relates to an estimate recorded under paragraph (5B) at the time of recording that estimate.”.

(4) After Form 5.2 (form of caveat) insert the forms set out in Part 1 of the Schedule to this Act of Sederunt.

(5) After Form 43.6 (form of timetable order)(4) insert the form set out in Part 2 of the Schedule to this Act of Sederunt.

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(3) Rule 43.6 was substituted by [S.S.I. 2002/570](#) and amended by [S.S.I. 2007/282](#).

(4) Form 43.6 was inserted by [S.S.I. 2002/570](#).