
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 294

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) 2009**

Dismissal of actions due to delay

14. After rule 15.6 of the Ordinary Cause Rules (motions to sist)(**1**) insert—

“Dismissal of action due to delay

15.7.—(1) Any party to an action may, while that action is depending before the court, apply by written motion for the court to dismiss the action due to inordinate and inexcusable delay by another party or another party’s agent in progressing the action, resulting in unfairness.

(2) A motion under paragraph (1) shall—

- (a) include a statement of the grounds on which it is proposed that the motion should be allowed or as the case may be; and
- (b) be lodged in accordance with rule 15.1.

(3) A notice of opposition to the motion in Form G9 shall include a statement of the grounds of opposition to the motion.

(4) In determining an application made under this rule, the court may dismiss the action if it appears to the court that—

- (a) there has been an inordinate and inexcusable delay on the part of any party or any party’s agent in progressing the action; and
- (b) such delay results in unfairness specific to the factual circumstances, including the procedural circumstances, of that action.

(5) In determining whether or not to dismiss an action under paragraph (4), the court shall take account of the procedural consequences, both for the parties and for the work of the court, of allowing the action to proceed.”.