

SCHEDULE

RULES OF THE SCOTTISH LAND COURT 2014

Determinations, orders and directions as to procedure etc.

Determinations and orders as to procedure

16.—(1) A party may at any time request that the court order a particular form of procedure to be adopted for the disposal of all or any of the issues in the case.

(2) On receipt of such a request the court may—

- (a) invite the other parties to lodge written submissions as regards the request; or
- (b) deal with it by way of hearing.

(3) Having considered any submissions made by the parties, the court is to determine the form of procedure (whether or not the form requested) to be adopted for the disposal of all or any of the issues in the case.

Orders concerning preliminary or procedural points

17.—(1) Without prejudice to rule 16—

- (a) a party may apply for an order such as is mentioned in paragraph (3) or an order or direction such as is mentioned in paragraph (4); and
- (b) the court may on its own initiative make an order such as is mentioned in paragraph (3) or give an order or direction such as is mentioned in paragraph (4).

(2) An order or direction made on the application of a party may be made without having regard to the views of other parties.

(3) The order is an order concerning a preliminary point, determination of which may wholly or substantially resolve an issue which the court considers significant in the case.

(4) The order or direction is one concerning procedure; and any such order or direction may—

- (a) relate to the procedure required to deal with a particular issue;
- (b) require a party to intimate to the court, with or without intimation to the other parties, an outline of intended argument;
- (c) require a party to lodge a statement setting out that party's contentions as to any issue of fact specified in the direction or order and the main evidence the party will rely on in support of that contention;
- (d) require production of such documents or other things as may be so specified; or
- (e) provide for parties to attempt such way of resolving a dispute (being an alternative to that of resolution by the court) as may be so specified.