

SCHEDULE

RULES OF THE SCOTTISH LAND COURT 2014

General provisions

Orders etc. of the court

111.—(1) Every order of the court is to be—

- (a) in writing; and
- (b) signed or otherwise authenticated by a clerk or member,

unless it is an order made in the course of a hearing and regulating procedure in the case.

(2) Any member of the court or the Principal Clerk may sign an order which—

- (a) appoints—
 - (i) answers, replies, objections, minutes, statements or other pleadings; or
 - (ii) documents or articles founded on by a party,to be lodged with the Principal Clerk,
- (b) directs service to be made, or notice or intimation to be given, to a party;
- (c) grants an unopposed motion for an order requiring a (c)witness or haver to attend at a specified time and place for the purpose of (either or both)—
 - (i) giving evidence;
 - (ii) producing documents or articles;
- (d) fixes or alters the date of a sitting;
- (e) requires borrowed productions to be returned; or
- (f) is a record of an order pronounced in the course of a sitting.

(3) Any member of the court may sign an order—

- (a) in an unopposed application; or
- (b) which—
 - (i) gives effect to a joint minute for parties; or
 - (ii) allows an application or appeal, or a motion for rehearing in an application or appeal, to be, by consent of all parties, amended, abandoned or withdrawn.

(4) Where an order comprising a finding or determination of the court is not signed by all members of the court which heard the case it must be signed by at least one member and certified by a clerk or member as having been agreed by all non-signing members.

(5) Where a member of the court which heard a case dissents from a finding or determination of that court, the member may by note appended to the order in question record such dissent.

(6) Where the court which made an order is satisfied—

- (a) that the order does not accurately reflect the intention of the court; and
- (b) that no party who has acted in the reasonable belief that the order was correct would be materially prejudiced were the order changed so that it did so reflect that intention,

the court may, at its own instance or on the motion of a party, change the order accordingly.

(7) An extract or copy of an order of the court is, if it is required for the purposes of any proceedings (whether before a court of law or otherwise), to be authenticated by the signature of—

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- (a) a member of the court; or
- (b) the Principal Clerk,

and is to be sealed with the seal of the court before being issued.

(8) The Principal Clerk, on being satisfied that a person requesting an extract of an order of the court has a proper interest to receive it, is to issue that extract to the person free of charge.

(9) Such an extract may include a warrant for execution in the terms “and the court grants warrant for all lawful execution hereon”.

(10) Paragraphs (8) and (9) do not apply to an order as regards which the time limit for lodging an appeal has not yet expired.