
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 228

**Act of Sederunt (Rules of the Court of Session 1994
Amendment) (No. 3) (Courts Reform (Scotland) Act 2014) 2015**

Amendment of the Rules of the Court of Session 1994: determination of the value of an order

- 2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.
(2) After Chapter 14A (interim diligence)⁽²⁾, insert—

“CHAPTER 14B

DETERMINATION OF THE VALUE OF AN ORDER

Application and interpretation

14B.1.—(1) This Chapter makes provision about determining, for the purposes of section 39 of the Act of 2014—

- (a) the value of an order sought in a cause; and
- (b) the aggregate total value of all the orders sought in a cause.

(2) In this Chapter “order” is to be construed in accordance with section 39(6) of the Act of 2014.

Value of an order for payment of money

14B.2.—(1) This rule applies where the order sought is an order for payment of money.

(2) The value of the order is the sum of money sought unless the court otherwise determines.

(3) Where the order sought is for—

- (a) payment in instalments; or
- (b) a periodical payment, that is a payment that recurs at specified intervals or on the occurrence of specified events,

the instalments or periodical payments are added together to determine the sum of money sought.

(4) Where an award of interest is sought from the court in addition to the payment of money, that interest is not to be taken into account for the purposes of this rule.

(5) Where the party seeking the order considers that its value exceeds the value of the sum of money sought, that party must make averments stating—

- (a) why it considers that to be the case;

(1) The Rules of the Court of Session 1994 are in Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2015/227).
(2) Chapter 14A was inserted by S.S.I. 2008/122 and amended by S.S.I. 2009/104.

(b) its true value, and
its value is the sum stated in those averments, unless the court otherwise determines.

Value of an order determining rights in relation to property

14B.3.—(1) This rule applies where the order sought is an order determining rights in relation to property.

(2) The party seeking the order must make averments stating—

- (a) the value of that order;
- (b) why it considers that to be the value, and

its value is the sum stated in those averments, unless the court otherwise determines.

Provision where the value of an order is unascertainable

14B.4.—(1) This rule applies where a party seeking an order considers that its value is unascertainable at the time when the order is sought.

(2) That party must make averments stating why it considers the value to be unascertainable.

(3) The court is to put the cause out on the By Order Roll—

- (a) where the cause has been commenced by summons, on the first suitable court day after the expiry of the period for lodging defences under rule 18.1(2); or
- (b) where the cause has been commenced by petition, on the first suitable court day after the expiry of the period of notice for lodging answers under rule 14.6(1).

(4) At the hearing under paragraph (3), the parties may make submissions in relation to the value of the order and whether it is unascertainable.

(5) Where the court determines that the value is unascertainable, its value is to be taken as exceeding £100,000.

Determining the aggregate total value of orders in a cause

14B.5.—(1) This rule applies where more than one order is sought in a cause, including where—

- (a) a party seeks orders against more than one other party in the same cause;
- (b) more than one party seeks an order in the same cause, whether against one or more other parties.

(2) The aggregate total value is determined by adding together the value of each order as determined in accordance with this Chapter.

(3) An order that is alternative to any other order sought by the same party is to be disregarded in determining the aggregate total value.

(4) An order sought in a counterclaim is to be disregarded in determining the aggregate total value.

Determination by the court

14B.6.—(1) This rule applies where the court requires to determine the value of an order or the aggregate total value of all the orders sought.

(2) The court is to have regard to the pleadings in the cause, including any defences or answers that have been lodged.

(3) The court may put the cause out on the By Order Roll in order that parties may make submissions where the court considers that doing so would assist it to determine the value of an order or the aggregate total value of all the orders sought.

(4) The court must put the cause out on the By Order Roll in order that parties may make submissions if it is considering making a determination that the aggregate total value of all the orders sought is less than £100,000.”.