

2020 No. 293

SHERIFF COURT

**Act of Sederunt (Simple Procedure Amendment) (Civil Online)
2020**

Made - - - - - *22nd September 2020*

Laid before the Scottish Parliament *23rd September 2020*

Coming into force - - - *1st December 2020*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by section 104(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Simple Procedure Amendment) (Civil Online) 2020.

(2) It comes into force on 1st December 2020.

(3) It ceases to have effect on 30th September 2021.

(4) A certified copy is to be inserted in the Books of Sederunt.

Modification of the Act of Sederunt (Simple Procedure) 2016

2.—(1) The Act of Sederunt (Simple Procedure) 2016(c) applies in accordance with the modifications in this paragraph.

(2) Paragraph 2 (the Simple Procedure Rules) has effect as if for sub-paragraph (2)(b) there were substituted—

“(b) an electronic version of the form with that name in Schedule 2, adapted for use by the Scottish Courts and Tribunals Service with—

(i) the portal on its website, or

(ii) the internet interface to its case management system.”

(3) Schedule 1 (the Simple Procedure Rules)(d) has effect as if—

(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(b) 2014 asp 18.

(c) S.S.I. 2016/200, last amended by S.I. 2020/942.

(d) Schedule 1 was last amended by S.I. 2020/942.

- (a) in rule 3.7 (what do you do with a completed Claim Form?), for paragraph (1) there were substituted—

“(1) The completed Claim Form must be sent to the sheriff court by submitting it to the court using:

- (a) the portal on the Scottish Courts and Tribunals Service website (see rule 6.6(1)(c)), or
- (b) the Scottish Courts and Tribunals Service’s internet interface to its case management system (see rule 6.6(2)).

(1A) Where the completed Claim Form cannot be sent in either of the ways mentioned in paragraph (1), it may be sent by one of the other ways mentioned in rule 6.6(1), but the claim will only be registered where:

- (a) the Claim Form is accompanied with a note explaining why it could not have been sent in either of the ways mentioned in paragraph (1), and
- (b) the sheriff considers, from the explanation in the note, that the claimant could not have sent it in either of those ways.”;

- (b) in rule 3.9(3) (where clerk must ask for sheriff’s approval), after sub-paragraph (a) there were inserted—

“(aa) the Claim Form has been sent by submitting it to the court using neither the portal on the Scottish Courts and Tribunals Service website nor the Scottish Courts and Tribunals Service’s internet interface to its case management system,”; and

- (c) in rule 6.6 (how can a party send something to the court?), after paragraph (1) there were inserted—

“(2) A claimant may also send a Claim Form to the court by submitting it to the court using the Scottish Courts and Tribunals Service’s internet interface to its case management system.”.

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
22nd September 2020

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt temporarily modifies the Act of Sederunt (Simple Procedure) 2016 so as to require all simple procedure claims to be submitted using Civil Online or the internet interface to the Scottish Courts and Tribunals Service's case management system. It expires on 30th September 2021.

Claims may still be sent using one of the other methods mentioned in rule 6.6 of the Simple Procedure Rules but when doing so claimants will require to provide a note, to accompany the Claim Form, explaining why it could not have been sent using either the portal on the Scottish Courts and Tribunals Service website or the Scottish Courts and Tribunals Service's internet interface to its case management system. The sheriff will only permit the claim to be registered if the sheriff considers, from the explanation in the note, that the claimant could not have sent it using either the portal or the interface.

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