
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 22

**Act of Sederunt (Rules of the Court of Session
1994 Amendment) (Miscellaneous) 2021**

Amendment of the Rules of the Court of Session 1994

- 2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.
- (2) In rule 49.33(3) (adjustment after interlocutor)⁽²⁾, for “28” substitute “56”.
- (3) After rule 49.33 insert—

“Lodging of productions and witness lists

49.33A.—(1) Rule 4.5 (productions) and rule 36.3 (lodging productions) do not apply to a family action.

- (2) Where a proof has been allowed in a family action—
- (a) copies of all productions which are intended to be used at the proof must be intimated to every other party not later than 56 days before the diet of proof;
 - (b) an inventory of productions which are intended to be used at the proof must be intimated to every other party and lodged in process not later than 56 days before the diet of proof; and
 - (c) the productions included in the inventory of productions must be lodged in process no later than 14 days before the diet of proof.
- (3) A production may be intimated and lodged electronically with the permission of, and in accordance with directions given by, the judge.
- (4) A production lodged in hard copy must be—
- (a) marked with a number of process with the cause reference number assigned to the principal writ; and
 - (b) if consisting of more than one sheet, securely fastened together.
- (5) A production which is not intimated and lodged in accordance with paragraph (2) must not be used or put in evidence at a proof without—
- (a) consent of the parties; or
 - (b) leave of the court on cause shown and on such conditions, if any, as to expenses or otherwise as the court thinks fit.
- (6) Not later than 56 days before the diet fixed for a proof, each party must—
- (a) give written intimation to every other party of a list containing the name, occupation (if known) and address of each person whom the party intends to call as a witness; and

⁽¹⁾ The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.S.I. 1994/1443), last amended by S.S.I. 2020/440.

⁽²⁾ Rule 49.33 was last amended by S.S.I. 2005/632.

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- (b) lodge a copy of that list in process.
- (7) A party who seeks to call as a witness a person not on the list mentioned in paragraph (6)
 - (a) may only do so—
 - (a) by consent of the parties; or
 - (b) with the leave of the court on cause shown and on such conditions, if any, as to expenses or otherwise as the court think fit.”.
 - (4) In rule 58.4(7) (the petition: intimation and service)(**3**), for “28 days, but can be renewed” substitute “two months, but can be renewed on cause shown”.

(3) Chapter 58 was substituted by [S.S.I. 2015/228](#).