
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 81

SHERIFF COURT

**Act of Sederunt (Simple Procedure
Amendment) (Civil Online) 2022**

| | | |
|--|---------|------------------------|
| <i>Made</i> | - - - - | <i>2nd March 2022</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>3rd March 2022</i> |
| <i>Coming into force</i> | - - | <i>31st March 2022</i> |

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013⁽¹⁾, 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⁽²⁾ 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) 2022.

(2) It comes into force on 31st March 2022.

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

Amendment of the Act of Sederunt (Simple Procedure) 2016

2.—(1) The Act of Sederunt (Simple Procedure) 2016⁽³⁾ is amended in accordance with this paragraph.

(2) For paragraph 2(2)(b) (the Simple Procedure Rules) substitute—

“(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

(1) 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).
(2) 2014 asp 18.
(3) S.S.I. 2016/200, last amended by S.S.I. 2021/468 and last modified by S.S.I. 2020/293. S.S.I. 2020/293 was amended by S.S.I. 2021/295 to extend the expiry date of the modifications made by S.S.I. 2020/293 to 31st March 2022.

- (ii) the internet interface to its case management system.”.
- (3) In Schedule 1 (the Simple Procedure Rules)(~~4~~)—
- (a) in rule 3.7 (what do you do with a completed Claim Form?), for paragraph (1) substitute—
- “(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) insert—
- “(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) insert—
- “(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.”.

Revocations

3. The following Acts of Sederunt are revoked—
- (a) Act of Sederunt (Simple Procedure Amendment) (Civil Online) 2020(~~5~~); and
- (b) Act of Sederunt (Simple Procedure Amendment) (Civil Online) 2021(~~6~~).

Edinburgh
2nd March 2022

CJM SUTHERLAND
Lord President
I.P.D.

(4) Schedule 1 was last amended by [S.S.I. 2021/468](#) and last modified by [S.S.I. 2020/293](#).
(5) [S.S.I. 2020/293](#), as amended by [S.S.I. 2021/295](#).
(6) [S.S.I. 2021/295](#).

EXPLANATORY NOTE

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

This Act of Sederunt amends 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 makes permanent the temporary modifications introduced by Act of Sederunt (Simple Procedure Amendment) (Civil Online) 2020, which were extended for a further period by Act of Sederunt (Simple Procedure Amendment) (Civil Online) 2021. It revokes both of those Acts of Sederunt in consequence of the temporary modifications being converted into amendments by this Act of Sederunt.

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 given in the note, that the claimant could not have sent it using either the portal or the interface.