

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2023 No. 168**

**Act of Sederunt (Rules of the Court of  
Session 1994 and Ordinary Cause Rules 1993  
Amendment) (Attendance at Hearings) 2023**

**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 1.3(1) (interpretation etc.)(2), after the definition of “agent” insert—  
““attend” and “attendance” are construed in accordance with Chapter 12C (mode of attendance at hearings);”.
- (3) After Chapter 12B (lay representation)(3), insert—

**“CHAPTER 12C**

**MODE OF ATTENDANCE AT HEARINGS**

**Application**

**12C.1.** This Chapter is without prejudice to any enactment under which provision has been made regarding the mode of attendance of persons at hearings.

**Mode of attendance at hearings – procedural business**

**12C.2.—**(1) Hearings at which only procedural business is to be considered are to be attended by electronic means.

(2) Paragraph (1) does not apply to hearings at which a party is unrepresented or utilising an interpreter.

**Alternative mode of attendance at hearings**

**12C.3.—**(1) The court may, at its own instance or on the motion of a party on cause shown—

- (a) in relation to hearings to which rule 12C.2(1) applies, order physical attendance at a hearing;
- (b) in relation to any other hearings, order attendance at a hearing by electronic means.

(2) The court may revoke an order granted under paragraph (1) or this paragraph and, where it does so, it may make such further order as it thinks fit.

---

(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.I. 1994/1443), last amended by S.S.I. 2023/165.  
(2) Rule 1.3(1) was last amended by S.S.I. 2016/315.  
(3) Chapter 12B was inserted by S.S.I. 2012/189 and amended by S.S.I. 2017/186.

(3) Before the court makes an order under paragraph (1) or (2), it is to give parties the opportunity to make representations about the mode of attendance.

### **Hybrid hearings**

**12C.4.** An order under rule 12C.3(1) or (2) may include provision for a person to attend a hearing—

- (a) both physically and by electronic means;
- (b) by one mode and another person to attend by the other mode,

and at different times or dates.”

(4) Chapter 93 (live links)(4) is revoked.