
STATUTORY INSTRUMENTS

1997 No. 2692

Act of Sederunt (Rules of the Court of Session Amendment No.8) (Early Disposal of Reclaiming Motions and Appeals) 1997

Early disposal of reclaiming motions

3.—(1) Chapter 38 of those Rules shall be amended as follows.

(2) After rule 38.7 insert—

“Required application for early disposal of certain reclaiming motions

38.7A. Where a party reclaims against an interlocutor mentioned in paragraph (4) or (5) of rule 38.3, he shall, under rule 38.13(1)(a), seek early disposal of the reclaiming motion.”

(3) In rule 38.13 (early disposal of reclaiming motion)—

(a) in paragraph (1)—

(i) after the words “reclaiming motion”, where they occur for the first time, insert “(in the case of the claimer, whether or not by virtue of rule 38.7A)”; and

(ii) in sub-paragraph (a), for the words “the words “and for early disposal”” substitute “either the words “and for early disposal on the Summar Roll” or the words “and for early disposal in the Single Bills””; and

(b) for paragraphs (2) to (4) substitute—

“(2) The entry in the rolls in respect of the motion for early disposal shall be starred; and the parties shall, at the hearing of that motion, provide the Inner House with an assessment of the likely duration of the hearing to determine the reclaiming motion.

(3) At the hearing of the motion for early disposal, the Inner House may—

(a) appoint the cause to the Summar Roll for hearing; or

(b) direct that the cause be heard in the Single Bills,

and may make such order as to the lodging of grounds of appeal as it thinks fit.

(4) At any hearing of the reclaiming motion in the Single Bills, the Inner House may determine the motion or make such other order as it thinks fit.”

(4) In rule 38.19 (lodging of appendices), after paragraph (4) add—

“(5) In a case where early disposal is sought by virtue of rule 38.7A, the Inner House may, on the application by motion of the claimer, determine that paragraphs (1) to (4) shall not apply or shall apply subject to such modifications as it considers appropriate.”