
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 414

COURT OF SESSION

**Act of Sederunt (Rules of the Court of Session
1994 Amendment) (Sittings of the Court) 2017**

Made - - - - 23rd November 2017
*Laid before the Scottish
Parliament* - - - - 24th November 2017
Coming into force - - 1st January 2018

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 103(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 (Rules of the Court of Session 1994 Amendment) (Sittings of the Court) 2017.

(2) It comes into force on 1st January 2018.

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

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994⁽³⁾ are amended in accordance with this paragraph and paragraph 3(1) to (6).

(2) For Chapter 10 (sittings of the court) substitute—

(1) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).
(2) 2014 asp 18.
(3) 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. 2017/242.

“CHAPTER 10 COURT SITTINGS

Session of the court

10.1.—(1) Except in vacation, the court shall be in session throughout the year and, subject to paragraph (2), shall—

- (a) normally sit on Tuesday, Wednesday, Thursday and Friday of each week;
- (b) normally sit between 1000 hours and 1600 hours, with an appropriate adjournment for lunch;
- (c) not sit—
 - (i) on a public holiday;
 - (ii) on such other days as the Lord President may, in exceptional circumstances, direct.

(2) The court may sit—

- (a) on a Monday where it is considered desirable to do so;
- (b) on a Saturday, Sunday or public holiday where it is desirable to do so to determine a matter of urgency.

(3) For the purposes of these Rules, a “sitting day” is a day on which the court sits under paragraph (1)(a) or a vacation sitting day.

Vacation

10.2.—(1) During vacation, the court—

- (a) shall normally sit on a vacation sitting day;
- (b) may sit, on days other than vacation sitting days, where it is desirable to do so.

(2) The court shall not sit on—

- (a) a public holiday;
- (b) such other days as the Lord President may, in exceptional circumstances, direct.

(3) During vacation, one or more of the judges of the court shall act from time to time as a vacation judge sitting in court or in chambers.

(4) The vacation judge shall deal with the business of the vacation judge under rule 11.1(1) on such days and at such times as it is desirable to do so.

(5) A Division of the Inner House may sit during vacation, whether or not on a vacation sitting day, to determine urgent business which cannot competently be determined by the vacation judge.

Holiday dates, periods and vacation sitting days

10.3. In these Rules—

“public holiday” means any of the dates or parts of days in the following table—

Table

<i>2018</i>	<i>2019</i>	<i>2020</i>
Monday 1st January 2018	Tuesday 1st January 2019	Wednesday 1st January 2020

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>2018</i>	<i>2019</i>	<i>2020</i>
Tuesday 2nd January 2018	Wednesday 2nd January 2019	Thursday 2nd January 2020
Friday 30th March 2018	Monday 15th April 2019	Friday 10th April 2020
Monday 2nd April 2018	Friday 19th April 2019	Monday 13th April 2020
Monday 16th April 2018	Monday 22nd April 2019	Monday 20th April 2020
Monday 7th May 2018	Monday 6th May 2019	Monday 4th May 2020
Monday 21st May 2018	Monday 20th May 2019	Monday 18th May 2020
Monday 17th September 2018	Monday 16th September 2019	Monday 14th September 2020
Monday 3rd December 2018	Monday 2nd December 2019	Monday 30th November 2020
The afternoon of Monday 24th December 2018	The afternoon of Tuesday 24th December 2019	The afternoon of Thursday 24th December 2020
Tuesday 25th December 2018	Wednesday 25th December 2019	Friday 25th December 2020
Wednesday 26th December 2018	Thursday 26th December 2019	Monday 28th December 2020;

“vacation” is any of the periods in the following table beginning with the date in the first column and ending with the date in the corresponding second column—

Table

<i>First column</i>	<i>Second column</i>
Monday 1st January 2018	Friday 5th January 2018
Saturday 24th March 2018	Friday 6th April 2018
Saturday 22nd December 2018	Friday 4th January 2019
Saturday 13th April 2019	Friday 26th April 2019
Saturday 21st December 2019	Friday 3rd January 2020
Saturday 4th April 2020	Friday 17th April 2020
Saturday 19th December 2020	Tuesday 5th January 2021;

“vacation sitting day” means any of the dates in the following table—

Table

<i>2018</i>	<i>2019</i>	<i>2020</i>
Thursday 4th January 2018	Friday 4th January 2019	Wednesday 8th April 2020
Wednesday 28th March 2018	Wednesday 17th April 2019	Wednesday 15th April 2020
Wednesday 4th April 2018	Wednesday 24th April 2019	Wednesday 23rd December 2020
Friday 28th December 2018	Tuesday 31st December 2019	Wednesday 30th December 2020.”.

Consequential amendments

- 3.—(1) In the provisions mentioned in paragraph (2), for “sederunt” substitute “sitting”.
- (2) The provisions mentioned are—
- rule 4.7(2) and (3) (lodging of documents in Inner House causes);
 - rule 13.13(3)(a) (calling);
 - rule 23.1G(3) (enrolling opposed motions by email);
 - rule 70.8(4)(c) (transfer of causes); and
 - rule 88.6(b) (application for transfer of case involving parental responsibilities to foreign court).
- (3) In rule 23.6(2) (hearing of motions) omit “in session outwith a term or”.
- (4) In rule 23.7 (motions in session outwith a term or in vacation)—
- (a) in the heading omit “in session outwith a term or”;
 - (b) in paragraph (1) omit “in session outwith a term, or”;
 - (c) in paragraph (4) omit “of the lord Ordinary in session outwith a term or”; and
 - (d) in paragraph (5) omit “the Lord Ordinary in session outwith a term or”.
- (5) In rule 23.14 (appearance by solicitor for certain motions) omit paragraph (2).
- (6) In rule 77.4(2) (presentation to Lord Ordinary) for “sederunt day of the following term” substitute “sitting day after that vacation”.
- (7) In section 5 of the Debts Securities (Scotland) Act 1856(4), for “sederunt days” substitute “sitting days within the meaning of the Rules of the Court of Session 1994”.

Edinburgh
23rd November 2017

CJM SUTHERLAND
Lord President
I.P.D.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session 1994 to set out when the Court of Session sits.

It provides for a new Chapter 10 on court sittings. New rule 10.3 lists the public holidays, vacation periods and vacation sitting days of the Court up to the end of 2020. These dates (other than those beyond September 2020) were previously set out in Direction No.1 of 2016 made under Chapter 10. The Court shall sit throughout the year except during two brief vacation periods at Christmas and Easter. During vacation Court business shall be dealt with either by the vacation judge or, where necessary, a Division of the Inner House.

Consequential amendments to the Rules of the Court of Session 1994 are made by paragraph 3.