

# Sheriffdom of South Strathclyde, Dumfries and Galloway



Mr Mark O'Hanlon  
Dean, Faculty of Hamilton & District

**Sheriff Principal Anwar's Office**  
**(Via Email)**

29 April 2020

Dear Mark,

Further to my letter of 21 April 2020, I am pleased to attach a copy of the SCTS guidance on the progressing of certain civil matters. Urgent civil business will continue to be processed in the hub courts as it is at present.

You will note that the guidance deals with the procedure for restarting ordinary, family civil actions, adults with incapacity applications and corporate insolvency matters sisted by the court *ex proprio motu*; administratively adjourned to a date on or after 1 June 2020; or in respect of which no further order was made, where the court is satisfied that there is good reason why the action should be restarted and that the action can be progressed remotely without recourse to a hearing which requires the leading of evidence ("restart applications"). The guidance also deals with commissary business. The guidance will come into effect on Friday 1 May 2020.

I must emphasise that this is not a return to business as normal. You will be aware that owing to government restrictions, SCTC are managing the hub courts and will be dealing with these restart applications with significantly reduce staff numbers. Your members should be aware that the clerks and the sheriffs processing a restart application will not have access to the relevant process.

I have received some very encouraging feedback from the judiciary in the sheriffdom of the positive engagement from agents and the clear desire to work together to find solutions. In the same vein, it is very important that your members take a responsible and considered approach to restart applications. It is by working collaboratively that we can make meaningful progress. In particular, please note:

1. The mailboxes referred to in Appendix 2 must NOT be used for general enquiries – only restart applications and responses should be submitted; general enquiries to these mailboxes will not receive a response;
2. Restart applications and responses which do not contain the required information will be returned and not considered by a sheriff;

3. Agents must consider whether the documents accompanying a restart application are necessary – please do not provide the court with voluminous documents in the anticipation that some might be useful; if necessary, the sheriff can order the production of further documents to consider a restart application;
4. Where a restart application concerns a motion or a minute previously lodged with the court, that should be provided;
5. In the event of remote hearings taking place, it is important that agents observe normal court etiquette.

There may be situations in which intimation of an application to restart may not be considered appropriate (for example in relation to some corporate insolvency matters). If that is the case, the agent must specify in the restart application why intimation is not appropriate.

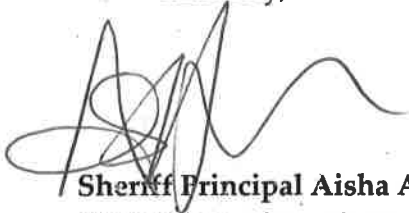
In relation to commissary business, I would ask your members to note that the staff are working through existing business and hope to have processed this within 21 days. In the event that your members have not received information on any such existing business after a period of 21 days, they can make enquiries using the general mail box for the relevant hub court. Your members should refrain from making such enquiries for a 21 day period to allow staff to concentrate on processing the business.

Please do circulate this information and the attached guidance to your members.

I sincerely hope that we can work together to process restart applications and commissary business in a sensible and sustainable manner.

I reiterate my previous comments; I am acutely aware of the effect the reduction in business is having upon your members, their staff and their clients. I hope that your members will equally appreciate that government restrictions must dictate both what business we can process and how that business is processed. I wish to reassure you that I am continuing to work with the SCTS executive, the Sheriffs Principal and the sheriffs in South Strathclyde, Dumfries and Galloway to look at how we might process further business.

Yours sincerely,



**Sheriff Principal Aisha Anwar**  
**Sheriffdom of South Strathclyde, Dumfries and Galloway**