



9th April 2020

Room 1.29

Dear all (Heads of Departments Civil & Criminal)

We would be grateful to receive a response from you about the following issues and concerns that our members are raising with us :-

1. Solemn and Summary Bail reviews -

Please confirm what steps are being taken to process these applications sent into the office by post and by email.

Solemn and summary Bail reviews are being processed and if required, scheduled to call in court.

2. Pleading diets and adjourned diets -

Where letter pleas have been tendered already and in light of the Court Orders made for the refixing of Diets, will correspondence be issued to confirm new dates?

Separately, in relation to cited cases with court diets still to come, if there are not guilty pleas being tendered, will the Court assign diets after August rather than treat these as continued pleading diets?

Discussions are currently taking place at a higher level between COPFS and SCTS to clarify this process. We will come back to you as soon as we have a confirmed position.

3. Civil mail - will this be processed in the usual manner?

Currently DX post is opened daily and urgent matters only are dealt with. Royal mail including Special and Recorded delivery is currently backlogged. The alternative means of contact for urgent matters is the through the urgent e-mail: glasgowurgentapps@scotcourts.gov.uk This email box is checked daily and urgent matters are processed as a priority. Please see attached for what is generally deemed as urgent.

4. Are caveats being registered given that interim orders can be granted if the situation merits it? Can they now be processed online only?

Per the guidance attached, Caveats can be e-mailed electronically to the urgent e-mail address. If sent by DX, will also be processed as a priority. These are processed on the same day of receipt. If any have been sent by Royal mail, agents should e-mail a scanned version to the urgent e-mail address.

5. In relation to matters deemed urgent in family cases, would the duty Sheriff upon receipt of written submissions from Agents be in a position to determine urgent matters involving children administratively or by telephone conference?

Yes, both options are available.

6. For all civil diets being administratively discharged, will correspondence be issued to confirm new dates?

Per the Sheriff Principal's Guidance No. 5 the diets that have been administratively continued to a new date include those in 1) the ordinary court; 2) the debtors/ miscellaneous court; 3) social work referral proofs; and 4) the adoption procedural court. The Guidance confirms that the continuation periods are 1) 8 weeks; 2) 8 weeks; 3) 12 weeks; and 4) 8 weeks respectively. All other diets have been continued to a date to be hereinafter fixed of the actions sisted/ paused.

Copy interlocutors will be issued in due course.

I would respectfully ask that agents are advised not to contact the court for a note of the continuation dates as this reduces the available time for processing urgent business.

7. Given the sad consequences of families bereaved by the Covid - 19 pandemic, is it possible to have Commissary work done meantime?

This is being looked at currently and we will provide an update as soon as possible. Please know that this is now being considered a priority piece of work for the reasons you have stated.

I look forward to hearing from you in response and thank you in anticipation.

Kind regards

Moira Deeney,

Chief Executive, Glasgow Bar Association

On Behalf of the Executive Committee of the Glasgow Bar Association

<https://www.scotcourts.gov.uk/the-courts/court-locations/glasgow-sheriff-court-and-justice-of-the-peace-court>

Guidance in respect of Civil Business

No. 5 of 2020

This guidance sets out the arrangements for the management of civil business in the Sheriffdom of Glasgow & Strathkelvin with immediate effect.

It supersedes "Coronavirus – Guidance in respect of Civil Business No. 2 of 2020" of 20 March 2020.

General

- Unless otherwise provided for in this guidance, the court will make the orders set out below without the necessity of appearance.
- Where parties agree, a hearing may proceed on written submissions.
- The attention of practitioners is drawn to Practice Note No 1 of 2006¹, the provisions of which should be utilised wherever possible.
- Any documents lodged electronically which would normally attract a fee must be accompanied by the account number to which the fee is to be charged.

1 See http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practicenotes/sheriff-court/glasgow-and-strathkelvin/pn01_2006.pdf?sfvrsn=11

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Ordinary Proofs

- No ordinary proofs will be assigned for a date prior to August 2020.
- All previously assigned ordinary proofs will be adjourned to a date to be hereinafter fixed, which will be no earlier than August 2020.

Debates • Parties who wish a debate to proceed by way of written submissions should confirm the position to the court as soon as possible.

- Where parties are agreed that a debate should proceed by way of written submissions, they should discuss timescales for submissions and advise the court (when requesting that the debate proceeds by way of written submissions) of either an agreed position or of their respective views thereon.
- Where a debate is to proceed by way of written submissions it will be allocated to a sheriff who will make appropriate orders in respect of written submissions (and, where appropriate, discharge any diet previously assigned).

Ordinary Court

- All ordinary court cases will be continued for a period of 8 weeks until further notice.
- First callings in respect of summary applications will be continued for a period of 8 weeks until further notice.
- Peremptory diets will continue to call in the ordinary court. No peremptory diets will be assigned prior to 3 August 2020.

- In the event of parties reaching an agreed position in any case, that should be intimated by email to the sheriff clerk [glasgow@scotcourts.gov.uk] as

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soon as possible to enable hearings to be discharged administratively and for agreed orders to be made (if the court deems the orders sought as appropriate), wherever practicable.

Motions

- Motions will be accepted by email and should be sent to glasgow@scotcourts.gov.uk.
- Should a motion be opposed a hearing will not automatically be assigned. In the first instance, parties will be invited to consider whether the motion is capable of being disposed of by way of written submissions.
- Where a motion is to proceed by way of written submissions it will be allocated to a sheriff who will make appropriate orders.
- If a motion is not to proceed by way of written submissions a hearing will be assigned. Parties should appreciate that the waiting time for an opposed motion hearing may be considerably longer than normal.

Debtors Court

- All debtors / miscellaneous court cases will be continued for a period of 8 weeks until further notice.

Adults with Incapacity Court

- The AWI court will continue as programmed, sitting in Glasgow Sheriff Court with immediate effect until further notice.

Guidance in respect of the warranting of urgent initial writs etc.

No. 9 of 2020

This guidance sets out the arrangements for the warranting of urgent initial writs; summary applications; summary cause summons; and simple procedure claim forms; the lodging of caveats; and the presentation of any other urgent matter (hereinafter referred to as the “urgent application”) in the Sheriffdom of Glasgow & Strathkelvin with immediate effect.

1. Where it is necessary to present an urgent application, the party making the application shall send to the sheriff clerk an e-mail [to the address glasgowurgentapps@scotcourts.gov.uk] containing the following: (a) the heading “URGENT APPLICATION”; (b) an explanation as

to why the matter is regarded as urgent; (c) whether or not interim orders are sought; (d) the name, address, telephone number and e-mail address of the person presenting the urgent application; (e) a copy of the proposed urgent application; and (f) confirmation as to when the urgent application will be delivered to the court in accordance with paragraph 4 below;

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2. In the event that the party making the application does not have access to email, the information set out in paragraphs 1(a) to 1(d) above shall be provided in written form with the urgent application when it is presented to the court in accordance with paragraph 4 below. 3. The urgent application will be placed before a sheriff at the earliest opportunity. The sheriff will determine whether or not the urgent application is urgent and, in the event that it is determined to be so, will direct the sheriff clerk as to the steps to be taken in relation to it. 4. The urgent application must be presented to the court in an envelope bearing the heading "URGENT APPLICATION" and must be accompanied by payment of the requisite fee; the account number to which the fee is to be charged; or a completed fee exemption form. 5. As soon as reasonably practicable after the sheriff has reached his or her determination on the urgent application, a member of the sheriff clerk's staff will telephone the person presenting the urgent application (on the telephone number provided in accordance with paragraph 1(d) above) and advise whether or not the urgent application has been determined to be so and, in the event that it is determined to be so, when the urgent application will be available for collection (where relevant); and / or the arrangements for dealing with any application for interim orders.

Sheriff Principal C.D.Turnbull

27 March 2020