

Following the cancellation of the sheriffdom conference and the SCTS staff engagement day on 30 October 2020, the sheriff principal has authorised the setting up of a number of courts that day to hear some of the family court proof business which has been delayed due to the COVID restrictions.

The intention is that we will set up around 10 family proof courts on 30 October 2020. The final number may be slightly higher or lower than that figure depending upon the availability of agents.

The sheriff clerk's office has already been in touch with a number of agents to ensure they will be available on that date and to clarify the position where it appears that the same firm acts for parties in more than one case in which a proof is outstanding.

Two part heard family proofs have already been assigned to that day.

Pre-proof hearings will be fixed in all of the cases scheduled to call on 30 October 2020.

As there is now a limit on the number of witnesses who are permitted to access the court building at any one time (due to the COVID restrictions) parties' witnesses may need to be cited but told not to come to the court building. It may be that they could remain on standby provided they are reasonably close to the building and could travel to the court promptly when required.

As you may be aware the family court proof business recommenced this week. I have presided over two family proofs which have been completed in the course of the week. It might be helpful if I flag a number of issues which have arisen and which your members should bear in mind or address as we move forward.

Firstly, everyone should strictly adhere to the social distancing regulations. The 2 metre rule applies and must be maintained at all times. This means that even simple moves such as from one part of the courtroom to another (e.g. to enable agents to more comfortably see and question a witness) need some thought and planning beforehand as other people may need to change their positions as a consequence to maintain a safe social distance.

Secondly, as mentioned above, to allow the court to comply with the COVID regulations there are limits on how many witnesses the court can accommodate at any one time and there are rules in place as to where witnesses can be safely accommodated within the building. This may mean that some witnesses should be placed on standby if they are located close to the court and can travel promptly to the building on short notice. This would prevent people being refused entry to the building and having to find somewhere else to wait. Once inside the building your witnesses may be asked to wait in an area some distance away from the relevant courtroom depending on the numbers of people who are waiting in different areas of the building at the time.

Thirdly, in respect of productions, we require to limit close interactions within the courtroom. Accordingly, in the course of this week we have ensured that a separate "package" of copy productions and affidavits has been available for each witness. This means that the principal productions have not been handled multiple times by many different people. Each package is removed from the witness area when a witness has

completed their evidence. Going forward, where the intention is to put any production or affidavit to a witness or where they will be asked to adopt the terms of an affidavit or comment on someone else's affidavit, parties' agents should liaise so that there is a separate package of copy productions, affidavits etc. available for each witness.

Fourthly, it is more important than ever that vulnerable witness applications are lodged well in advance of any proof diet to ensure that, if such applications are granted, the court can make the appropriate arrangements for the allocation of the necessary accommodation for part of/the duration of the proof.

Finally, I should say that I am grateful to the sheriff clerk's staff and to agents for their assistance and cooperation in ensuring that we have been able to safely restart our family court proof business.

Andrew M Mackie
Sheriff
Sheriffdom of Glasgow and Strathkelvin at Glasgow