

SHERIFFDOM OF LOTHIAN AND BORDERS

COVID-19

PROOFS IN THE ALL SCOTLAND SHERIFF PERSONAL INJURY COURT

I am conscious that the current guidance regarding VC proofs covers the period up to 28 August and that practitioners will be already have been turning their minds to  proofs due to take place after that date.

We are currently reviewing the arrangements for proofs in the light of experience so far with a view to updating the guidance already issued.

If practitioners have any comments on their experiences of VC hearings, both proofs and procedural, and the arrangements for proofs more generally, please let me know.

In the meantime, the guidance issued in respect of August proofs should be treated as continuing to apply after the end of the month, until further notice.

In response to some specific enquiries received, the following points should be noted.

* You should continue to cite witnesses as normal, but it is suggested that a covering letter might be appropriate saying that (i) their evidence may be heard live or remotely and (ii) the precise arrangements will be confirmed nearer the date.
* It may be prudent to make enquiries of witnesses to find out
  + if there is any reason why they cannot attend in person e.g. a health condition which makes travelling by public transport or attending a public building inadvisable; and
  + if they are to be giving evidence remotely, either because of a difficulty in attending or because the entire proof is to be heard by VC, whether they have a reasonable internet connection and suitable device by which to participate.

I shall be in touch again as soon as possible.

(sgd.) “*K. J. McGowan*”

           Administrative Sheriff,

           All-Scotland Sheriff Personal Injury Court

21 August 2020