



PRESS RELEASE

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Coronavirus Update – Sheriff Court Civil Business

Our announcement on Friday 24 April advised of the restarting of certain categories of civil business in the sheriff courts, beyond the urgent and necessary categories, where it can be carried out remotely and earlier resolution would be beneficial.

The [guidance](#), effective from 1 May 2020, sets out the arrangements to enable the following categories of sheriff court business to be progressed:

- Ordinary, family and commercial actions; adults with incapacity applications; and corporate insolvency proceedings 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; and
- Commissary.

This will allow a party to an action to make an application to restart the case where they consider that it can be progressed remotely. The response of other parties to the action, or failure to respond, will be included within the application. No fee is payable for an application to restart.

The guidance also confirms that commissary will restart from 1 May 2020. Commissary applications previously sent to the closed courts will be progressed by the relevant hub court.

Eric McQueen, SCTS Chief Executive said: “This is not a return to business as usual but the first step towards the resumption of civil business in the sheriff courts. We need everyone to act responsibly and proportionately in bringing cases forward for consideration, to ensure that volumes can be managed.

“Compliance with the government’s stringent measures to slow the spreads of the virus is vital and any return to a new normal will be on a phased basis. While at this stage it is impossible to give any indicative timescales, I think there will be three broad phases:

- Phase 1: Lockdown – the current phase. Limited to urgent and necessary civil business in 10 hub courts and those cases outlined in the guidance, which can be progressed remotely.
- Phase 2: Societal recovery - Government easing some restrictions, allowing the re-opening of closed courts. With the expectation that robust social distancing measures will necessitate an increase in digital and remote working, with few physical attendance hearings.
- Phase 3: Move to “new” business as usual – with a form of social distancing likely to remain in place.

“We remain committed to working with the judiciary, the Faculty and the Law Society of Scotland on a return to whatever a “new business as normal” looks like for civil and criminal proceedings, as government restrictions are eased and the exit strategy becomes clear.”

Ends

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