

SCHEDULE 4 JUSTICE

PART 1

COURTS AND TRIBUNALS: CONDUCT OF BUSINESS BY ELECTRONIC MEANS

Suspension of requirements for physical attendance

- 2 (1) Any requirement (however expressed) that a person physically attend a court or tribunal does not apply, unless the court or tribunal directs the person to attend physically.
- (2) But sub-paragraph (1) does not apply in relation to a trial diet.
- (3) In the case of such a diet, the court may disapply any requirement (however expressed) that a person physically attend the court by directing that the person need not do so.
- (4) A court or tribunal may issue a direction under sub-paragraph (1) only if it considers that allowing the person to attend by electronic means in accordance with paragraph 3 would—
- (a) prejudice the fairness of proceedings, or
 - (b) otherwise be contrary to the interests of justice.
- (5) A court may issue a direction under sub-paragraph (3) only if it considers that allowing the person to attend by electronic means in accordance with paragraph 3 would not—
- (a) prejudice the fairness of proceedings, or
 - (b) otherwise be contrary to the interests of justice.
- (6) A court or tribunal may issue or revoke a direction under sub-paragraph (1) or (3) on the motion of a party or of its own accord.
- (7) In considering whether to issue or revoke a direction under sub-paragraph (1) or (3), the court or tribunal must—
- (a) give all parties an opportunity to make representations, and
 - (b) have regard to any guidance issued by—
 - (i) the Lord President of the Court of Session, or
 - (ii) the Lord Justice General.
- (8) References in this paragraph to physically attending a court or tribunal are to—
- (a) being in a particular place, or
 - (b) being in the same place as another person,
- for the purpose of any proceedings before a court or tribunal or an office holder of a court or tribunal.