SCOTTISH STATUTORY INSTRUMENTS

2014 No. 152

Act of Sederunt (Rules of the Court of Session, Ordinary Cause Rules and Summary Cause Rules Amendment) (Miscellaneous) 2014

Amendment of the Rules of the Court of Session

2.—(1) The Rules of the Court of Session are amended in accordance with the following subparagraphs.

(2) For rule 35.3(1) (optional procedure before executing commission and diligence)(**1**), substitute—

"(1) Subject to rule 35.3A (optional procedure where there is a party litigant), this rule applies where a party has obtained a commission and diligence for the recovery of a document on an application under rule 35.2(1)(a).".

(3) In rule 35.3A (optional procedure where there is a party litigant or confidentiality is claimed)(**2**)—

(a) for paragraph (1), substitute—

"(1) This rule applies where any of the parties to the action is a party litigant.";

(b) omit paragraph (2).

(4) The heading to rule 35.3A becomes "Optional procedure where there is a party litigant".

(5) In rule 35.8 (confidentiality), in paragraph (1), after "rule 35.3 (optional procedure before executing commission and diligence)" insert "rule 35.3A (optional procedure where there is a party litigant),".

(6) In rule 43.6 (allocation of diets and timetables)(**3**)—

(a) in paragraph (3), omit "other than that referred to in paragraph (7),";

(b) omit paragraph (7).

(7) In rule 43.8(2)(b) (applications for sist or variation of timetable order), omit "special".

(8) In rule 58A.5(1)(**4**), for "rule 58A.3(1)" substitute "rule 58A.4(1)".

(9) In the Appendix, in Form 35.3A-A (form of order of court and certificate in optional procedure for recovery of documents – party litigant cases), in the words in brackets above the heading "**NOTES**" omit "business" and "the agent for".

(**1**) Rule 35.3 was substituted by S.S.I. 1996/2168.
(**2**) Rule 35.3A was inserted by S.I. 1996/2168.
(**3**) Rule 43.6 was substituted by S.S.I. 2002/570 and last amended by S.S.I. 2011/190.
(**4**) Rule 58A.5 was inserted by S.S.I. 2013/81.