

SCHEDULE

RULES OF THE SCOTTISH LAND COURT 2014

Special case

Finalisation of special case

86.—(1) After the period of 3 weeks mentioned in rule 85 has expired, the court is to settle the terms of the special case after giving such opportunity for further comment and adjustment by the party giving notification under rule 83 as it thinks fit.

(2) It is the responsibility of the court when settling the case to satisfy itself that the facts set out in the case accurately reflect the findings of the court.

(3) The court may make such changes to the wording of the special case as it considers appropriate for the purpose of clarifying or explaining any matter.

(4) The Principal Clerk is to send each of the parties a copy of the special case as settled.

(5) Within 1 week after receiving a copy of the special case by virtue of paragraph (4) the party who gave notification under rule 83 must notify the Principal Clerk and each of the other parties in writing as to whether or not the party requests that the case be sent to the Court of Session.

(6) If notification—

(a) is not given timeously under paragraph (5); or

(b) is given timeously but is to the effect that the party does not request that the case be sent to the Court of Session,

any other party may, within 2 weeks after receiving a copy of the settled special case by virtue of paragraph (4), request the Principal Clerk to send the case to the Court of Session in respect of any question of law stated in it.

(7) Within 1 week after receiving a request under paragraph (5) or (6), the Principal Clerk is—

(a) to transmit the special case as settled to the Court of Session; and

(b) to advise the parties accordingly.

(8) It is the responsibility of the party requesting under paragraph (5) or (6) that the case be sent to the Court of Session to ensure compliance with the rules of that court by making up such process and delivering such copies as are required by those rules.

(9) If no party requests that the case be sent to the Court of Session, the court (that is to say the Scottish Land Court) is to determine any question of expenses relating to the preparation and settling of the special case but is otherwise to proceed as if no special case had been required to be stated.