
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 229

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 2) (Miscellaneous) 2016

Amendment of the Rules of the Court of Session 1994

- 4.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.
(2) After Rule 4.2 (signature of documents) insert—

“Applications under section 100 (vexatious litigation orders) of the Courts Reform (Scotland) Act 2014

4.2A.—(1) This rule applies where a person (“the applicant”) who is the subject of an order under section 100 (vexatious litigation orders) of the 2014 Act seeks permission under section 101(4) of the 2014 Act to—

- (a) institute civil proceedings; or
- (b) take a specified step in specified ongoing civil proceedings (within the meaning of section 100 of the 2014 Act).

(2) The applicant may apply for permission only by letter addressed to the Deputy Principal Clerk.

(3) The application must—

- (a) state the full name and address of the applicant;
- (b) where permission is sought to institute civil proceedings, be accompanied by a copy of the document by which it is proposed to institute proceedings;
- (c) where permission is sought to take a step in ongoing proceedings—
 - (i) state the step the applicant wishes to take;
 - (ii) be accompanied by copies of any documents in the process of those proceedings which the applicant considers relevant to the permission sought;
- (d) state briefly why the applicant considers that permission should be given;
- (e) include details of any previous application under section 101 of the 2014 Act which relates to any extent to the same matter (including, in particular, the outcome of such applications).

(4) The Deputy Principal Clerk must—

- (a) in a case where the applicant has previously submitted an application under section 101 of the 2014 Act in relation to the same matter and that application has been refused, reject the application and notify the applicant accordingly;
- (b) otherwise, place the application before a Lord Ordinary.

⁽¹⁾ The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2016/102).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) The Lord Ordinary may, without a hearing, make an order granting or refusing the permission sought.

(6) The interlocutor of the Lord Ordinary is to be sent to the applicant by letter at the address given in the application.

(7) An interlocutor of a Lord Ordinary granting permission to initiate proceedings constitutes permission to proceed without a signature under rule 4.2(5) (signature of documents).”