
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 266

COURT OF SESSION

**Act of Sederunt (Rules of the Court of
Session 1994 Amendment) (Jury Trials) 2018**

Made - - - - *5th September 2018*
Laid before the Scottish
Parliament - - - - *6th September 2018*
Coming into force - - *21st September 2018*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(1), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by section 103(1) of the Courts Reform (Scotland) Act 2014(2) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Jury Trials) 2018.

(2) It comes into force on 21st September 2018.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994(3) are amended in accordance with this paragraph.

(2) In rule 37.2 (citation of jurors)(4)—

(a) in paragraph (1), for “28 days” substitute “70 days”;

(b) in paragraph (2), for “21 days” substitute “63 days”.

(1) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(2) 2014 asp 18.

(3) 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. 2018/126, and prospectively amended by S.S.I. 2018/186).

(4) Rule 37.2 was amended by S.I. 1999/1386 and S.S.I. 2015/227.

Status: This is the original version (as it was originally made).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

Saving

3. The amendments made by paragraph 2 do not apply to jury trials where the interlocutor allowing issues in the action is dated before 21st September 2018.

Edinburgh
5th September 2018

CJM SUTHERLAND
Lord President
I.P.D.

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends rule 37.2 (citation of jurors) of the Rules of the Court of Session 1994.

Paragraph 2 amends the time limit by which the pursuer must request the issue of a jury precept from 28 days to 70 days before the diet for jury trial, and amends the time limit by which any other party may request the issue of a jury precept (where the pursuer has failed to do so) from 21 days to 63 days.

Paragraph 3 provides that the amendments made by paragraph 2 do not apply to jury trials where the interlocutor allowing issues in an action is dated before this instrument comes into force.