
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 188

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) 2012**

Ordinary Cause Rules: pronouncement of decision

- 2.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.
(2) For rule 12.2 (further provisions in relation to interlocutors)(1) substitute—

- “12.2.—(1) The sheriff may sign an interlocutor when outwith his or her sheriffdom.
(2) At any time before extract, the sheriff may correct any clerical or incidental error in an interlocutor or note attached to it.
(3) Paragraphs (4) and (5) apply in any cause other than—
(a) an undefended family action within the meaning of rule 33.1(1); or
(b) an undefended civil partnership action within the meaning of rule 33A.1(1).
(4) At the conclusion of any hearing in which evidence has been led, the sheriff shall either—
(a) pronounce an extempore judgment in accordance with rule 12.3; or
(b) reserve judgment in accordance with rule 12.4.
(5) In circumstances other than those mentioned in paragraph (4), the sheriff may, and must when requested by a party, append to the interlocutor a note setting out the reasons for the decision.
(6) A party must make a request under paragraph (5) in writing within 7 days of the date of the interlocutor.
(7) Where a party requests a note of reasons other than in accordance with paragraph (6), the sheriff may provide such a note.

Extempore judgments

- 12.3.—(1) This rule applies where a sheriff pronounces an extempore judgment in accordance with rule 12.2(4)(a).
(2) The sheriff must state briefly the grounds of his or her decision, including the reasons for his or her decision on any questions of fact or law or of admissibility of evidence.
(3) The sheriff may, and must if requested to do so by a party, append to the interlocutor a note setting out the matters referred to in paragraph (2) and his or her findings in fact and law.
(4) A party must make a request under paragraph (3) in writing within 7 days of the date of the extempore judgment.
(5) Where a party requests a note of reasons other than in accordance with paragraph (4), the sheriff may provide such a note.

Reserved judgments

12.4.—(1) This rule applies where a sheriff reserves judgment in accordance with rule 12.2(4)(b).

(2) The sheriff must give to the sheriff clerk—

(a) an interlocutor giving effect to the sheriff’s decision and incorporating findings in fact and law; and

(b) a note stating briefly the grounds of his or her decision, including the reasons for his or her decision on any questions of fact or law or of admissibility of evidence.

(3) The date of the interlocutor is the date on which it is received by the sheriff clerk.

(4) The sheriff clerk must forthwith send a copy of the documents mentioned in paragraph (2) to each party.”.