Information for Party Litigants in the Court of Session

This guidance is intended to assist party litigants in understanding the procedures and expectations involved in conducting proceedings in the Court of Session. It explains the role of court staff, the limits of the assistance that can be provided, and the requirements of the Rules of Court. It also outlines the standards of conduct expected of all court users, including the need for respectful communication, compliance with procedural rules and the preparation of clear and concise submissions. Guidance is also provided on the responsible use of tools such as artificial intelligence when preparing material for the court.

Party litigants should be aware that they are expected to comply with the same procedural requirements and standards of conduct as represented parties.

Please take time to familiarise yourself with this guidance.

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1. Standards of Behaviour

Staff within the Scottish Courts and Tribunals Service (SCTS) aim to deal fairly, honestly, consistently and appropriately with all service users. We believe that all service users have the right to be heard, understood and respected. Party litigants are also under a duty to conduct themselves in a manner consistent with the proper administration of justice. This includes acting with honesty and candour, complying with the rules of court and all orders made, treating the court and other parties with respect and presenting their case in a clear, relevant and orderly fashion. Self-representation does not absolve a litigant from these obligations which are fundamental to the fair and efficient determination of proceedings.

Party litigants must ensure that all communications with the court, court staff, and other parties are:

- courteous and respectful;
- relevant to the proceedings; and
- expressed in appropriate and measured language.

The court will not accept or engage with communications that are abusive, threatening, offensive, or otherwise inappropriate.

Any such material will:

- be returned without action;
- not be accepted into process; and/or
- be brought to the attention of the court and any other relevant authority including Police Scotland.

Persistent inappropriate conduct may affect how the court deals with your case, including the imposition of restrictions where appropriate.

2. The Role of the General Department and Clerks of Court

The General Department exists to support the administrative functions of the Court of Session.

SCTS staff, including court clerks, are not legally qualified, and cannot provide legal advice.

The General Department

Staff within the General Department **can** provide:

- general procedural guidance;
- copies of court forms;
- signposting to the chapter of the rules of court that apply to a particular procedure;
- an explanation of how a particular rule operates in general terms; or
- an indication on whether a motion you are seeking to lodge (enrol) may not be competent. Please note that if we have advised that a motion is not competent and you insist on it being processed, any fee that may have been paid cannot be refunded.

The General Department **cannot** provide:

- legal advice;
- suggestions on a specific rule you should use to progress your action within the Court of Session;
- an opinion on any impact the lodging a particular motion may have on your action; or
- clarification or an explanation of anything that was said in court during a hearing.

Clerks of Court

The role of the clerk of court is to support the judiciary by managing case papers, preparing court orders after hearings and making sure that court procedures are followed correctly. Clerks of court cannot provide legal advice or comment on the merits of a case.

If your case is scheduled to be heard by a particular judge, the judge's clerk can help with general procedural questions about the hearing and what will happen next.

3. The Rules of the Court of Session

Party litigants are subject to the same duties and obligations as legally represented parties. In particular, you are expected to:

- comply **fully** with the rules of the Court of Session and any orders of the court;
- ensure that all documents lodged are accurate, relevant and properly presented;

- meet all time limits and procedural requirements;
- act honestly and in good faith in all dealings with the court; and
- respect the role of the court as an impartial decision-maker.

The court cannot relax procedural requirements simply because a party is not legally represented.

Copies of all Court Rules and Forms are available at https://www.scotcourts.gov.uk. Copies of the "Annotated Rules of the Court of Session" should be available at your local library. These volumes contain detailed annotations which explain the case law and practical effect of court rules which you may find helpful.

Administrative staff within the General Department do not have any discretion to dis-apply court rules and are bound to follow them.

If you are contacting the court to lodge a motion or seeking a particular order in your case, it is helpful if you can specify the specific rule that forms the basis of your request.

If you have any doubt about what a particular rule might mean for your action, or experience difficulties in understanding a rule, you should seek legal advice. You can find a solicitor using the Law Society's "Find a Solicitor Service" (www.lawscot.org.uk/find-a-solicitor). Alternatively, you may be able to access free legal advice through Citizen's Advice Scotland (http://www.cas.org.uk). The Faculty of Advocates also operate a free Legal Services Unit which might also assist you in your action (Free Legal Services Unit Homepage | Faculty of Advocates)

4. Progressing your action in the Court of Session

As a party litigant, **you** are responsible for progressing your action. This includes:

- identifying the correct procedure and applicable rules;
- ensuring that all necessary steps are taken timeously; and
- communicating appropriately with other parties.

Failure to do so may result in delay, additional expense, or adverse decisions by the court.

You will be expected to liaise with the other parties or their solicitors directly in order to progress your action within the Court of Session. The General Department cannot act as a 'go between' for parties to an action.

If we need to contact you (generally via email) about your action, the other parties or their solicitors will normally be copied in. We will also strive to make sure that you are copied into any relevant correspondence about your action which we might receive from another party or their solicitors. We do this because the court is a neutral party and seek to avoid giving any impression of collusion or favouring one party over another. This also ensures transparency around communicating with the court.

While we will do our best to assist you in any way we can, staff within the General Department cannot provide you with the level of assistance and advice that you could expect to receive from a firm of solicitors. Court staff are not resourced to provide this level of assistance.

5. Lengthy Documents

Documents lodged with the court should be clear, relevant and as concise as possible.

Excessively long or repetitive submissions may hinder, rather than assist, the court. There is a risk that the key points being advanced may be obscured or lost within unnecessary detail. Any documentation that is excessively long or repetitive will be returned.

The court expects parties to identify and present the material issues in a focused and structured manner.

6. Use of Artificial Intelligence (AI) Tools

The court is aware that party litigants may use artificial intelligence (AI) tools (such as online text generators or legal assistants) to assist in preparing documents or submissions.

If you use such tools, you must ensure that:

- all information provided to the court is accurate, reliable and has been independently checked/verified by you;
- all legal authorities (cases, statutes, rules) cited are genuine and correctly represented;
- documents which any party has put before the court which are not publicly available should **not** be uploaded by you for AI purposes if that creates any risk of the documents being available online or accessed by others. Doing so could result in a finding of contempt of court; and
- the content complies with the Rules of the Court of Session.

AI tools can produce incorrect, incomplete, or misleading information, including references to cases or legal principles that do not exist. You are personally responsible for verifying the accuracy of anything submitted to the court.

The court may take appropriate steps where material is found to be inaccurate or misleading, including disregarding such material or taking further procedural action.

7. Fee Exemptions

Court of Session fees are determined and set by Scottish Ministers. Scottish Ministers also set the criteria by which a person may be exempt from paying court fees.

You may qualify for a fee exemption if you receive certain benefits, such as Universal Credit or Personal Independence Payment. Full eligibility criteria are set out in the fee exemption form and in section 5 of The Court of Session etc. Fees Order 2026.

If you believe you are entitled to an exemption, please return a completed fee exemption form along with proof of entitlement (usually a DWP or HMRC letter, as detailed on the form). We are unable to assess or process an application without this supporting evidence.

Neither SCTS staff nor the court have discretion to waive fees outwith the criteria set in the Fees Order. Where a fee is payable, the legislation does not provide the court with power to direct SCTS to accept documents without payment of that fee. The legislation does not provide for fees to be remitted or modified other than in accordance with the specified exemption criteria.

If you wish to challenge the current fees structure or eligibility criteria, you may wish to raise this with your local MSP.

You should also be aware that a fee exemption covers only your own court fees. There may be other expenses over the lifetime of your case. For example, if your action is unsuccessful, the court may order you to pay the expenses of the other party.

The SCTS cannot offer arrangements for payment of court fees by instalments.

8. Court Hearings

When appearing at a court hearing, the correct form of address for a judge is either ‘My Lord’ or ‘My Lady’. If possible, you should stand when appearing in court when you are addressing the judge. There is no need to stand if a hearing is being conducted by virtual means e.g. WebEx.

Your submissions to the court must be courteous, respectful and be expressed in appropriate and measured language. Failure to adhere to these requirements could result in you being found in contempt of court, which can have serious legal repercussions, up to and including imprisonment.

9. Reasonable Adjustments

SCTS staff may be able to provide certain administrative or practical adjustments to assist with access to court services. These may include, for example, providing documents in an accessible format (such as large print or specific fonts), making information available in a format compatible with screen-reading software and facilitating reasonable communication arrangements where required.

Such adjustments are limited to matters within the administrative control of SCTS staff and do not require judicial approval.

Any request for reasonable adjustments to assist participation in a court hearing must be considered by a judge. Requests should be made in advance of the hearing date to allow sufficient time for judicial consideration. The judge will determine whether the adjustment is appropriate and proportionate in the circumstances of the case. The judge will also consider whether the adjustment sought is practical in light of court resources and the potential impact on other parties to the proceedings.

Any request for reasonable adjustments must specify the nature of the adjustment(s) sought and should explain the disadvantage that would arise if the request were not granted.

Please note that the role of SCTS staff in this process is limited to relaying the request to a judge and notifying the requesting party of the decision.

10. Hearings and Interlocutors

Unless the judge(s) directs otherwise or the Rules of Court specify a requirement to do so, hearings are not digitally recorded.

Court interlocutors (the document which records the orders made by the court) do not explain the reasons why a particular order was made although on some occasions, a note of reasons may be appended to the Interlocutor. The judge will explain their reasons for making an order orally and you may wish to take a note of what is said. There will also be occasions that the judge will take a case to *avizandum* in which the grounds for their

decision will be provided in writing at a later stage. This is known as a court opinion or judgment. Further details on court opinions can be found on the SCTS website.

11. Getting in touch

The General Department is a relatively small office which deals with a high volume of email enquiries and telephone calls. Please allow sufficient time for us to respond to any email enquiry that you send. Sending multiple emails (and multiple queries across multiple email addresses) significantly adds to the volume of email traffic. This has a negative impact on our ability to respond timeously ensuring all of your queries have been answered. This in turn has a detrimental impact on all of our service users.

Emails are assessed for urgency when they are received and are responded to accordingly. All queries will be answered within 72 hours of receipt, or sooner if the matter is urgent.

Please note that, if trying to get in touch over the phone, you may hear a ringing tone even if all lines are busy. If you experience difficulties in getting through, please send an email requesting a call back along with a brief indication of the nature of your enquiry.

12. The General Department Public Counter

The public counter of the General Department is open from 10am until 1pm, then 2pm until 4pm Monday to Friday (excluding public holidays). Details of public holidays can be found on the SCTS website.

If you wish to attend at the public counter for any reason, please contact us in advance to make an appointment. You can make an appointment by contacting the appropriate section of the General Department (see the list of contact emails below). When making an appointment, we will ask for a brief description of the purpose of your visit so that we can ensure that you are seen by the officer best placed to assist you.

13. Contact details

Commercial Section
Email: gcs@scotcourts.gov.uk

Ordinary or Family Section
Email: gcs@scotcourts.gov.uk

Personal Injury Section
Email: Personalinjuries@scotcourts.gov.uk

Petitions Section
Email: Petitions@scotcourts.gov.uk

Inner House Section
Email: InnerHouse@scotcourts.gov.uk