

ITEM 5.1: RECOVERY OF DOCUMENTATION – SSI 2014 No.152**Purpose**

1. To ask the Committee to note the Act of Sederunt (Rules of the Court of Session, Ordinary Cause Rules and Summary Cause Rule Amendment) (Miscellaneous) 2014 (2014 No.152).

Background

2. The Committee previously approved two draft instruments in relation to the recovery of documents. The first replicated in the Ordinary Cause Rules (OCR) the Court of Session optional procedure for the recovery of documents. The second addressed an ambiguity in the Rules of the Court of Session (RCS) which was identified when the first instrument was being drafted.
3. The Committee then considered and agreed at its 3 February 2014 meeting a draft instrument to amend the Summary Cause Rules (SCR) to replicate the Court of Session optional procedure for the recovery of documents in so far as it is the parties' solicitors that administer the procedure.

Discussion

4. **Paper 5.1A** is the Act of Sederunt (Rules of the Court of Session, Ordinary Cause Rules and Summary Cause Rules Amendment)(Miscellaneous) 2014 which gives effect to the changes agreed to OCR, RCS and SCR rules by the Committee in relation to recovery of documentation. The instrument came into force on 7 July 2014.

Recommendation

5. **The Committee is invited to note the Act of Sederunt**

**Scottish Civil Justice Council – Secretariat
August 2014**