



Legislation Implementation Team  
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By email to:

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DX: ED 545309

30 January 2025

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Dear Sir/Madam,

**Public Consultation: on using online intimation to replace the “walls of court”**

I refer to the above consultation to which I respond on behalf of the Scottish Courts and Tribunals Service (SCTS). The response is submitted by the SCTS acting in its role to provide efficient and effective administration to the courts and tribunals and does not include the views of the Judiciary.

**Proposal 1 - Online intimation**

The SCTS is supportive of the above proposal which will place, on a permanent footing, the temporary provisions contained in the Schedule to the Coronavirus (Recovery and Reform) (Scotland) Act 2022 in relation to “online intimation” via the SCTS’s website.

We are of the view that returning to physical intimation on the “Walls of Court” would be a backwards step and would be contrary to the direction of travel in the context of civil justice reform and the SCTS’s Strategic Priorities for 2023-2026 (“*SP 5 - We maximise the opportunities provided by technology to improve processes, access to information and the quality of service we provide*”) as set out in the SCTS’s [Corporate Plan 2023-2026](#).

**Proposal 2 - Newspaper Advertising:**

The SCTS has no views to express in relation to the above proposal as this would appear to be a matter of policy for the SCJC.

**Proposal 3 - Direct Intimation:**

For the reasons given under proposal 1, the SCTS supports the continuance of intimation of executry petitions on the SCTS’s website.


As policy develops in this area and if there is a move to direct intimation, consideration may have to be given to whether an applicant can competently serve/ intimate a dative petition electronically or by post under present law. Where service/ intimation of an application is required, the court will normally grant authority to do so by way of a warrant to cite/ intimate. The service or intimation is then normally undertaken by a solicitor or sheriff officer being officers of court who have power at law to serve/ intimate such documentation – an individual has no such power that we are aware of.

## **Costs**

If it is considered in relation to proposal 3 that an applicant, when making an application for an appointment as executor dative, must employ a solicitor or sheriff officer to serve/ intimate – this will give rise to additional costs to the applicant. In particular, where multiple intimations are required, depending on the number of persons having an interest in the deceased's estate and upon whom service/ intimation may be required.

The SCTS would be grateful if we could be kept informed of the progress of the consultation. We would also welcome the opportunity to consider any draft rules which may be required to bring forward the proposals in light of responses received as part of the consultation.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Mark Kubeczka', written over a light blue horizontal line.

Mark Kubeczka  
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