



RESPONDENT INFORMATION FORM

For the TARGETED CONSULTATION: On changes to the Inner House rules

Please note **this form must be completed** and returned with your response

Are you responding as an individual or an organisation?

INDIVIDUAL

ORGANISATION

Your details:

Full name or organisation's name

Law Society of Scotland

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Your views on the publication of your response

Please indicate your preferences with regard to the publication of your response

Publish response with name

Publish response only (without name)

Do not publish response



Providing your response

If you chose to provide a separate written response, then please complete the first page of this Respondent Information Form and attach it to your response.

If you chose to include your responses within this Respondent Information Form, then please insert your responses within the editable boxes that follow:

Question 1 – Given your experience of the practical operation of the rules in use, can you tell us what has worked well, and what has worked not so well?

Our members consider that the rules as a whole have worked well. The only concerns we have are in relation to the proposed change mentioned below.

Question 2 – Do you wish to provide comments on any of the proposed changes to the Inner House rules as set out within section 3 of this paper?

The rules provide for a shortening of the time limit for appeals where leave must be sought from 14 to 7 days. Whilst we can see the intent behind the rule in respect of unmeritorious appeals, our members are of the view that 7 days is a tight timescale and is likely to present difficulties with compliance. It is considered to be too onerous given what the agent is expected to achieve in seeking leave and then enrolling a reclaiming motion, particularly if, as the rules propose, that will necessitate formulating all grounds of appeal as well as collating/lodging the documentation under Rule 38.5. This is likely to lead to a poorer/more rushed presentation of the application for leave and the reclaiming motion, culminating in more errors and additional numbers of requests to add in further grounds. We observe also that matters of some substance, such as a decision on permission for group proceedings, or the granting or refusing of summary decree, are to require leave under the proposed rules. It seems to us that those should be allowed to proceed without leave, but if leave is required than a period of 14 days would be more appropriate to allow proper consideration of those decisions. We do not believe that the stated desire of discouraging unmeritorious appeals outweighs the advantages of allowing agents 14 days to deal with the requirements of reclaiming where leave is required.

Question 3 - Can you suggest any other specific rule changes that might further improve the procedures used by the Inner House?

No.