

FORMAT OF JUDGMENTS

Purpose

1. To introduce a style template for written judgments issued by sheriffs.

Timing

2. **Routine** – following approval a 3-month familiarisation period will be provided for when fixing a commencement date.

Vires

3. The Council holds a power - to propose 'court procedure rules' under [section 2](#) (1) (c) of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013.
4. The Court of Session holds a power - to then enact sheriff court rules proposed by this Council under [section 104](#) (1) (a) of the Courts Reform (Scotland) Act 2014, with section 104 (2) (e) specifically covering the designation of a Form.

Background

5. The existing Ordinary Cause Rules (OCR) are silent on the way in which a sheriff should prepare a written judgment, which does result in an inconsistent approach to the content of written judgments issued. That gap could be addressed by adopting the suggested 'format' provided within the Sheriff Appeal Court (SAC) rules request (**Paper 5.1A**).
6. At its 16 June 2025 meeting the Council noted the SAC rules request and approved Drafting Instructions to amend OCR Chapter 12 (Interlocutors) to progress that change. The minutes read:

Item 4.5 Rules Request – Format of Judgments (paper 4.5)

12 - The Chair invited members to consider the rules request which **proposes a style template be added to Chapter 12** of the Ordinary Cause Rules. The style template is intended to provide a consistent approach for how judgments should be set out.

13 - Members noted:

- In principle, all judgments should be published and not only those which are believed by the author to be of interest to the public; and
- This change will be important in promoting open justice, where decisions of the court are accessible to the public, which increases transparency and reduces the risk of cases being misinterpreted.

Members approved the drafting instruction.

The Drafting Instructions

7. The Drafting Instructions as issued in June 2025 were:

TO ADD A NEW FORM – based on the format within the rules request (**Paper 5.1A**) which had suggested the following structure:

- Introduction
- Background
- Summary of the Disputed Evidence
- Submissions
- Findings in fact
- Findings in fact and law
- Decision
- Interlocutor (Order of the Court)

TO AMEND OCR RULE 12.4 (RESERVED JUDGMENTS) – so that readers would be signposted to the existence of that new Form.

8. Having consulted further with SP Anwar the instruction added in March 2026 was:

TO AMEND OCR RULE 12.3 (EXTEMPORE JUDGMENTS) – so that the same Form would be used if a party was to request a written note following an extempore judgement¹ being stated by a sheriff.

The statutory instrument

9. The attached Act of Sederunt (**Paper 5.1B**) delivers on those Drafting Instructions

- Form O7ZA - reflects the style template from the rules request (**Paper 5.1A**)
- Rule 12.3 (Extempore Judgements) - is amended at subsection (3) to include a reference to that new Form O7ZA (*refer annex 1*).
- Rule 12.4 (Reserved Judgements) - is amended at subsection (2) (b) to include a reference to that new Form O7ZA (*refer annex 2*).

The Policy Objective

10. In adopting this standard format, the policy objectives are:

- **To provide consistency** – by setting a clear standard for the way a written judgment should be structured by a sheriff, and by providing guidance on the expected content to be provided under those prescribed headings.

¹ Extempore - means “at the time”. In other words, the judgment is given there and then.

- **To promote open justice** – by supporting more sheriff court judgments being published online so that “all substantive decisions are available for scrutiny²”.
- **To minimise risk** – given the risk of misinterpretation and the potential for legal challenges is higher when the public experience too much variability in the way that judgments have been written.

Compatibility with the Guiding Principles

11. The content of the draft rules supports the statutory guiding principles:

<i>Guiding Principle</i>	<i>Compatibility with that principle</i>
<i>The civil justice system should be fair, accessible and efficient</i>	<i>Accessibility</i> – access to justice will improve in line with an increase in quality of the judgments the public can view online. <i>Efficiency</i> - will increase as sheriffs do not have to start from scratch when deciding how to prepare a judgment.
<i>Rules relating to practice and procedure should be as clear and easy to understand as possible</i>	<i>Usability</i> – the clear format provided, and the inclusion of guidance, will make it easy to use the format provided.
<i>Practice and procedure should, where appropriate, be similar in all civil courts</i>	<i>Consistency</i> – working within that standard format will drive greater consistency in the comments made by sheriffs.
<i>Methods of resolving disputes which do not involve the courts should, where appropriate, be promoted</i>	<i>Not Applicable</i> – the scope to promote ADR has passed by the time a judgment is made

Recommendations:

12. It is recommended that the Council:

- **Considers and approves the content of the draft rules set out within the attached statutory instrument (*Paper 5.1B*).**
- **Agrees to propose those draft rules for consideration and approval by the Court of Session, subject to any stylistic or typographical changes.**

**Secretariat to the Scottish Civil Justice Council
June 2026**

² [Informing the Future of Open Justice in Scotland](#) (Jul 2024, JOS)

BIBLIOGRAPHY

Existing Rules

Ordinary Cause Rules – Chapter 12 (interlocutors)

<https://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/sheriff-court-civil-procedure-rules/ordinary-cause-rules/>

Publications

Informing the Future of Open Justice in Scotland (Jul 2024, JOS)

Media access to decisions – page 10, last sentence

https://judiciary.scot/docs/librariesprovider3/judiciarydocuments/open-justice/informing-the-future-of-open-justice-in-scotland.pdf?sfvrsn=6a738260_1

Relevant Judgments

M v M [2022] SAC (Civ) 19

Para 37 to 48 – include comment on the use of OCR 12.2 (4) & OCR 12.3

<https://www.bailii.org/scot/cases/ScotSAC/Civ/2022/19.pdf>

ANNEX 1 – OCR - RULE 12.3**Existing rule:**OCR 12.3 – Ex tempore judgments

- (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.

Amended Rule:OCR 12.3 – Ex tempore judgments

- (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 **[...in Form O7ZA (form of judgment)]** 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.

ANNEX 2 – OCR - RULE 12.4**Existing rule:**OCR 12.4 - Reserved judgments

- (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.
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Amended rule:OCR 12.4 - Reserved judgments

- (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 **[...in Form O7ZA (form of judgment)]** 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.