



**Scottish
Civil Justice
Council**

CONTINUITY OF CIVIL COURT BUSINESS

Online intimation

Purpose

1. This paper provides members with a brief summary of Act of Sederunt (Intimation and Service) 2025 (paper 3.4A), and the accompanying Policy Note (paper 3.4B).
2. The Act of Sederunt sets out the provisions which will replace the temporary measures contained in the Coronavirus (Recovery and Reform) (Scotland) Act 2022¹, specific to service and online intimation (Walls of Court).

Background

3. Members approved the drafting instructions at the Council meeting on 16 June 2025 (annex 1). It should be noted that priority has been given to achieving continuity of business and that not all aspects of the drafting instruction are covered by this Act of Sederunt. Where any proposal was not regarded as being business critical, it will be revisited at a later stage.
4. The Act of Sederunt provides for the following:
 - Continuation of the option for online intimation and service;
 - Maintaining the publication online of abbreviated information; and
 - Changing the requirements for intimation in relation to dative petitions.
5. The instrument permits online walling as an alternative to physical walling and provides what information must be made publicly available under different rules (this is the current position under the 2022 Act read in conjunction with the LP's Direction No. 2 of 2020). Physical walling is not abolished.
6. Proposed changes that will be revisited includes: 1) making advertising in newspapers discretionary, and 2) extending the notice period stipulated in relation to dative petitions from 9 to 21 days.

Recommendation

7. It is recommended that members consider the draft Act of Sederunt and Policy Note (to accompany the Act of Sederunt when laid in the Scottish

¹ [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#)

Parliament) and approve for submission to the Court of Session subject to any stylistic and typographical changes.

SCJC Secretariat

October 2025

Annex 1- Drafting Instruction

To create rules to enable the continued practice for online intimation via walls of court. The court must be able to:

The drafting instructions - to make 'online intimation' the permanent procedure

- Reword those rules that require intimation via the “walls of court” to substitute a requirement for “online intimation” via the SCTS website (*which LIT is to amend to refer to “online intimation” rather than “general public notices”*);
- Add a new permanent rule covering the ability to publish abbreviated notices rather than the full document; and withdraw the Lord Presidents Direction No 2 of 2020 - Coronavirus (Scotland) Act 2020;
- For the purpose of an abbreviated notice that signposts potential objectors^[1] to the full document in a petition for the appointment of an executor dative - confirm that as the petitioners address is available within the full document (the petition) it can be excluded from an abbreviated notice (*to improve GDPR compliance by avoiding an unnecessary release of personal data*); and
- Avoid using the phrase “*made publicly available in any other way within a court building*” as that could inadvertently bring in the other registers held open for public inspection within courthouses.

To support the implementation of the above rule changes the Council will be:

- *Asking the SCTS* - to improve their digital service by enhancing the ability to search the content within each abbreviated notice that is published online; and
- *Asking the Scottish Ministers* - to amend section 6 of the Confirmation of Executors (Scotland) Act 1858^[2] so that the current notice period of 9 days is increased to 21 days - in order to provide caveat holders with sufficient time to consult their lawyers if lodging an objection.

The drafter should note that whilst the consultation did seek feedback on the alternative of using ‘direct intimation’ for “Petitions for the Appointment of an Executive Dative” that change will not be taken forward. We will continue to advertise these petitions via ‘online intimation’

The drafting instructions - to make newspaper advertising discretionary (rather than mandatory)

- Retain those rules that mandate the use of newspapers for public record advertising via the Edinburgh Gazette; and reword those rules that support

newspaper advertising more generally so that the use of newspapers is always a discretionary decision for the judiciary.

- 1) This approach should apply to all procedural codes with overall coverage to include; Rules of the Court of Session; Ordinary Cause Rules (including ASSPIC); Summary Cause Rules; Summary Application Rules; Bankruptcy Rules; Childcare and Maintenance Rules and Child Support Rules.
- 2) Consent for receiving online intimation should follow the same approach as set out in the 2022 Act.