
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 293

**Act of Sederunt (Rules of the Court of Session 1994
Amendment) (Signature of Petitions and Answers) 2019**

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.

(2) In rule 4.2 (signature of documents)⁽²⁾—

(a) after paragraph (3)(c) insert—

“(ca) a petition in Form 58.3 which requires to be lodged urgently and where counsel or other person having a right of audience, as the case may be, is unavailable to sign, may be signed by an agent if—

(i) the agent adds a docquet to the petition providing the name of the agent and confirming that the agent signed the petition on behalf of and with the authority of that counsel, or other person having a right of audience; and

(ii) there is lodged with the petition a declaration by counsel or other person having a right of audience that he or she authorised the agent named to sign the petition as it required to be lodged urgently and that counsel or other person having a right of audience was unavailable to sign;”;

(b) in paragraph (4) for “paragraph (9)” substitute “paragraphs (9) and (10)”;

(c) for paragraph (8) substitute—

“(8) Where a writ has been signed—

(a) by counsel;

(b) by a person having a right of audience; or

(c) on behalf of and with the authority of counsel or other person having a right of audience in accordance with paragraph (3)(ca),

he or she is to be regarded as the drawer of it and answerable for what it contains.”;

(d) after paragraph (9) insert—

“(10) Paragraph (3)(ca) applies in respect of answers requiring to be lodged under rule 58.6(1), subject to the following modifications—

(a) the reference to “petition in Form 58.3”; and

(b) the references to “petitions”,

are to be read as references to “answers requiring to be lodged under rule 58.6(1)”.”.

(3) In the appendix, in Form 58.3 (form of petition for judicial review)⁽³⁾ in the signing docquet after “*right of audience*” insert “*or, under rule 4.2(3)(ca), agent*”.

(1) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2019/247.

(2) Rule 4.2 was last amended by S.S.I. 2016/102.

(3) Form 58.3 was substituted by S.S.I. 2015/228 and was amended by S.S.I. 2017/200.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
