
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 356

Act of Sederunt (Sheriff Appeal Court Rules) 2015

PART 6

INCIDENTAL PROCEDURE: SPECIAL PROCEDURES

CHAPTER 20

DEVOLUTION ISSUES

Raising a devolution issue: permission to proceed

20.4.—(1) When a devolution issue is raised, the Clerk is to fix a hearing and intimate the date and time of that hearing to the parties.

(2) Within 14 days after the Clerk intimates the date and time of the hearing, each party must lodge a note of argument.

(3) That note of argument must summarise the submissions the party intends to make on the question of whether a devolution issue arises in the appeal.

(4) At the hearing, the procedural Appeal Sheriff is to determine whether a devolution issue arises in the appeal.

(5) Where the procedural Appeal Sheriff determines that a devolution issue arises, the procedural Appeal Sheriff is to grant permission for the devolution issue to proceed.

(6) Where the procedural Appeal Sheriff determines that no devolution issue arises, the procedural Appeal Sheriff is to refuse permission for the devolution issue to proceed.

(7) At the hearing the procedural Appeal Sheriff may make any order, including an order concerning expenses.

(8) In this rule, “party” includes a relevant authority that has given notice to the Clerk that it intends to take part in the appeal as a party.