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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 356**

Act of Sederunt (Sheriff Appeal Court Rules) 2015

PART 6

INCIDENTAL PROCEDURE: SPECIAL PROCEDURES

CHAPTER 23

PROOF

**Taking proof in the course of an appeal**

- 23.1.**—(1) If it is considered necessary, proof or additional proof may be ordered—
- (a) by the procedural Appeal Sheriff at a procedural hearing;
  - (b) by the Court in the course of an appeal hearing.
- (2) Where the procedural Appeal Sheriff orders that proof or additional proof is to be taken—
- (a) the procedural Appeal Sheriff is to appoint a date and time for a hearing for that to be done;
  - (b) so far as reasonably practicable, the hearing is to be before the procedural Appeal Sheriff who made the order.
- (3) Where the Court orders that proof or additional proof is to be taken, the Court is to—
- (a) remit the proof to be taken before any Appeal Sheriff;
  - (b) appoint a date and time for a hearing for that to be done;
  - (c) continue the appeal hearing until the Appeal Sheriff reports the proof to the Court.
- (4) Where a hearing is fixed under this rule, the Clerk must notify the date and time of the hearing to the parties.