
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 356

Act of Sederunt (Sheriff Appeal Court Rules) 2015

PART 7

SPECIAL APPEAL PROCEEDINGS

CHAPTER 28

APPLICATION FOR NEW JURY TRIAL OR TO ENTER JURY VERDICT

Notes of argument

28.11.—(1) The parties must lodge notes of argument no later than 7 days before the procedural hearing.

(2) A note of argument must summarise briefly the submissions the party intends to develop at the hearing of the application for a new trial.

(3) A note of argument must—

- (a) state, in brief numbered paragraphs, the points that the party intends to make;
- (b) after each point, identify by means of a page or paragraph reference the relevant passage in any notes of evidence or other document on which the party relies in support of the point;
- (c) for every authority that is cited—
 - (i) state the proposition of law that the authority demonstrates;
 - (ii) identify the page or paragraph references for the parts of the authority that support the proposition;
- (d) cite only one authority for each proposition of law, unless additional citation is necessary for a proper presentation of the argument.

(4) Where a note of argument has been lodged and the party lodging it subsequently becomes aware that an argument in the note is not to be insisted upon, that party must—

- (a) give written notice of that fact to the Clerk;
- (b) intimate that notice to every other party.

(5) Where a party wishes to advance an argument at a hearing that is not contained in that party's note of argument, the party must apply by motion for leave to advance the argument.