
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

Sist of application for new trial and variation of timetable

- 28.6.**—(1) Any party may apply by motion to—
- (a) sist the application for a new trial for a specified period;
 - (b) recall a sist;
 - (c) vary the timetable.
- (2) An application is to be determined by the procedural Appeal Sheriff.
- (3) An application to sist the application for a new trial or to vary the timetable may only be granted on special cause shown.
- (4) The procedural Appeal Sheriff may—
- (a) grant the application;
 - (b) refuse the application; or
 - (c) make an order not sought in the application, where the procedural Appeal Sheriff considers that doing so would secure the expeditious disposal of the appeal.
- (5) Where the procedural Appeal Sheriff makes an order sisting the application for a new trial, the Clerk is to discharge the procedural hearing fixed under rule 28.5(2) (timetable: fixing procedural hearing).
- (6) When a sist is recalled or expires, the Clerk is to—
- (a) issue a revised timetable in Form 28.5;
 - (b) fix a procedural hearing.
- (7) Where the procedural Appeal Sheriff makes an order varying the timetable, the Clerk is to—
- (a) discharge the procedural hearing fixed under rule 28.5(2) (timetable: fixing procedural hearing);
 - (b) issue a revised timetable in Form 28.5;
 - (c) fix a procedural hearing.