
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

Questions about competency of application

28.7.—(1) A question about the competency of an application for a new trial may be referred to the procedural Appeal Sheriff by a party, other than the applicant.

(2) A question is referred by lodging a reference in Form 28.7.

(3) A question may be referred within 7 days after the date on which the application for a new trial was lodged.

(4) Where a reference is lodged, the Clerk is to fix a hearing and intimate the time and date of that hearing to the parties.

(5) Within 7 days after the date on which the reference is lodged, each party must lodge a note of argument.

(6) That note of argument must—

(a) give fair notice of the submissions the party intends to make on the question of competency;

(b) comply with the requirements in rule 28.11(3) (notes of argument).

(7) Paragraphs (4) and (5) of rule 28.11 apply to a note of argument lodged under paragraph (5).