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SCOTTISH STATUTORY INSTRUMENTS

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**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: determination**

**28.8.**—(1) At a hearing on the competency of an application for a new trial, the procedural Appeal Sheriff may—

- (a) refuse the application as incompetent;
  - (b) find the application to be competent;
  - (c) reserve the question of competency until the hearing of the application; or
  - (d) refer the question of competency to the Court.
- (2) The procedural Appeal Sheriff may make an order as to the expenses of the reference.
- (3) Where the question of competency is referred to the Court, it may—
- (a) refuse the application as incompetent;
  - (b) find the application to be competent;
  - (c) reserve the question of competency until the hearing of the application.
- (4) The Court may make an order as to the expenses of the reference.