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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 356**

**Act of Sederunt (Sheriff Appeal Court Rules) 2015**

**PART 3**

**INITIATION AND PROGRESS OF AN APPEAL**

**CHAPTER 6**

**INITIATION OF AN APPEAL**

**Applications to appeal out of time**

- 6.4.**—(1) This rule applies where the enactment under which the appeal is made—
- (a) specifies a period within which the appeal must be made; and
  - (b) provides that a party may apply to the Court to allow an appeal to be made outwith that period.
- (2) An application to allow an appeal to be received out of time is to be made by motion.
- (3) That motion is to be made when the note of appeal is lodged.
- (4) Where a motion to allow an appeal to be received out of time is refused—
- (a) the Clerk is to—
    - (i) notify the sheriff clerk that leave to appeal out of time has been refused;
    - (ii) transmit the note of appeal to the sheriff clerk;
  - (b) the sheriff clerk is to place the note of appeal in the process.