
SCOTTISH STATUTORY INSTRUMENTS

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

Initial case management of appeals

6.6.—(1) When the procedural Appeal Sheriff makes an order for intimation and answers in accordance with rule 6.5(1), the procedural Appeal Sheriff must also make a provisional procedural order.

(2) The provisional procedural order must provisionally appoint the appeal to—

- (a) the standard appeal procedure (see Chapter 7); or
- (b) the accelerated appeal procedure (see Chapter 27).

(3) When considering which procedure is appropriate for the appeal, the procedural Appeal Sheriff must take into account—

- (a) the importance of the appeal;
- (b) the complexity of the appeal;
- (c) the novelty of the points of law raised by the appeal; and
- (d) the presumption in paragraph (4).

(4) The following categories of appeal are presumed to be appropriate for the accelerated appeal procedure—

- (a) appeals against a decision of the sheriff to grant decree by default;
- (b) appeals against a decision of the sheriff to refuse a reponing note.

(5) A provisional procedural order under this rule is to be intimated at the same time and in the same manner as the order for intimation and answers made in accordance with rule 6.5.