
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 356

Act of Sederunt (Sheriff Appeal Court Rules) 2015

PART 3

INITIATION AND PROGRESS OF AN APPEAL

CHAPTER 7

STANDARD APPEAL PROCEDURE

Transmission of sheriff court process

7.15.—(1) The Court may order that the sheriff court process, or any part of it, is to be transmitted to the Clerk—

- (a) of its own accord;
- (b) on cause shown, where any party to the appeal applies for such an order by motion.

(2) Where the Court makes such an order, the Clerk must send a copy of the order to the sheriff clerk.

(3) Within 4 days after receipt of the order, the sheriff clerk must—

- (a) send written notice to each party to the cause;
- (b) certify on the interlocutor sheet that subparagraph (a) has been complied with;
- (c) transmit the sheriff court process, or the specified part of it, to the Clerk.

(4) On receipt of the sheriff court process, the Clerk must—

- (a) mark the date of receipt on—
 - (i) the interlocutor sheet or the copy record from the sheriff court books, where the entire process is transmitted;
 - (ii) the part of process that has been transmitted, where the Court has specified that only part of the process is to be transmitted;
- (b) send written notice of that date to the appellant.

(5) Where the Clerk or a sheriff clerk fails to comply with this rule—

- (a) that does not affect the validity of the appeal;
- (b) the Court may, as it thinks fit, make an order to enable the appeal to proceed as if the failure had not occurred.