#### SCOTTISH STATUTORY INSTRUMENTS

# 2015 No. 356

# SHERIFF APPEAL COURT

# Act of Sederunt (Sheriff Appeal Court Rules) 2015

Made - - - 21st October 2015

Laid before the Scottish

Parliament - - 23rd October 2015

Coming into force 1st January 2016

# ACT OF SEDERUNT (SHERIFF APPEAL COURT RULES) 2015

# PART 1

# PRELIMINARY MATTERS

#### CHAPTER 1

# CITATION, COMMENCEMENT AND INTERPRETATION ETC.

- 1.1 Citation and commencement, etc.
- 1.2 Interpretation
- 1.3 Computation of periods of time
- 1.4 Administrative provisions
- 1.5 Forms

# PART 2

#### **GENERAL PROVISIONS**

#### CHAPTER 2

# RELIEF FOR FAILURE TO COMPLY

2.1 Relief for failure to comply with rules

#### **CHAPTER 3**

# SANCTIONS FOR FAILURE TO COMPLY

- 3.1 Circumstances where a party is in default
- 3.2 Sanctions where a party is in default

#### REPRESENTATION AND SUPPORT

4.1	Representation	and	support

- 4.2 Legal representation
- 4.3 Lay representation: applications
- 4.4 Lay representation: functions, conditions and duties
- 4.5 Lay support: applications
- 4.6 Lay support: functions, conditions and duties

#### CHAPTER 5

#### INTIMATION AND LODGING ETC.

- 5.1 Interpretation of this Chapter
- 5.2 Intimation
- 5.3 Methods of intimation
- 5.4 Methods of intimation: recorded delivery
- 5.5 Methods of intimation: by sheriff officer
- 5.6 Additional methods of intimation where receiving party represented by solicitor
- 5.7 Lodging

#### PART 3

#### INITIATION AND PROGRESS OF AN APPEAL

#### CHAPTER 6

# INITIATION OF AN APPEAL

- 6.1 Application of this Chapter
- 6.2 Form of appeal
- 6.3 Time for appeal
- 6.4 Applications to appeal out of time
- 6.5 Order for intimation and answers
- 6.6 Initial case management of appeals
- 6.7 Provisional orders: representations

#### **CHAPTER 7**

# STANDARD APPEAL PROCEDURE

- 7.1 Application of this Chapter
- 7.2 Timetable in appeal
- 7.3 Cross-appeals
- 7.4 Urgent disposal
- 7.5 Urgent disposal: determination
- 7.6 Sist of appeal and variation of timetable
- 7.7 Questions about competency
- 7.8 Questions about competency: determination
- 7.9 Appeal print
- 7.10 Appendix to appeal print: contents

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

7 1 1	A 1	1 .	1 1	
'/	Annondiv to	onnool print	t aangidarad	IIIIIIAAAAAAAAATT
7.11	Appendix to	addeal drill	CONSIDERA	UHHICUCSSALV
,	1 1 p p 0 11 0 11 1 0 0	appear priii		,

- 7.12 Notes of argument
- 7.13 Estimates of duration of appeal hearing
- 7.14 Procedural hearing
- 7.15 Transmission of sheriff court process
- 7.16 Extension of notes of evidence
- 7.17 Referral to family mediation

#### PART 4

#### DISPOSAL OF AN APPEAL

#### CHAPTER 8

#### REFUSAL OF APPEAL DUE TO DELAY

- 8.1 Application to refuse appeal due to delay
- 8.2 Determination of application to refuse appeal due to delay

#### CHAPTER 9

#### ABANDONMENT OF APPEAL

9.1 Application to abandon appeal

#### CHAPTER 10

### REMIT TO THE COURT OF SESSION

10.1 Application to remit appeal to the Court of Session

#### CHAPTER 11

# APPLICATIONS FOR PERMISSION TO APPEAL TO THE COURT OF SESSION

- 11.1 Application of this Chapter
- 11.2 Applications for permission to appeal

#### PART 5

## INCIDENTAL PROCEDURE: STANDARD PROCEDURES

#### CHAPTER 12

#### MOTIONS: GENERAL

- 12.1 Interpretation
- 12.2 Making of motions
- 12.3 Oral motions
- 12.4 Written motions
- 12.5 Provision of email addresses to the Clerk
- 12.6 Grounds for written motion
- 12.7 Determination of unopposed motions in writing
- 12.8 Issuing of orders by email

# MOTIONS LODGED BY EMAIL

13.1 13.2 13.3 13.4 13.5 13.6	Intimation of motions by email Opposition to motions Consent to motions Lodging unopposed motions Lodging opposed motions by email Variation of periods of intimation
	CHAPTER 14
	MOTIONS LODGED BY OTHER MEANS
14.1 14.2 14.3 14.4 14.5 14.6 14.7	Intimation of motions by other means Opposition to motions Consent to motions Lodging of motions Joint motions Hearing of opposed motions Modification of Chapter 5
	CHAPTER 15
	MINUTES
15.1 15.2 15.3 15.4 15.5 15.6	
	CHAPTER 16
	AMENDMENT OF PLEADINGS
16.1 16.2	Amendment of sheriff court pleadings Amendment of note of appeal and answers etc.
	CHAPTER 17
	WITHDRAWAL OF SOLICITORS
17.1 17.2 17.3 17.4	Interpretation of this Chapter Giving notice of withdrawal to the Court Arrangements for peremptory hearing Peremptory hearing

# **CAUTION AND SECURITY**

18.1 18.2 18.3 18.4 18.5 18.6 18.7 18.8	Application of this Chapter Form of application to find caution or give security Orders for caution or other security: time for compliance Methods of finding caution or giving security Cautioners and other guarantors Form of bond of caution Caution or other security: sufficiency and objections Insolvency or death of cautioner or guarantor Failure to find caution or give security
	CHAPTER 19
	EXPENSES
19.1 19.2 19.3 19.4 19.5 19.6 19.7	Taxation of expenses Additional fee Order to lodge account of expenses Procedure for taxation of expenses Objections to taxed account Decree for expenses in name of solicitor Expenses of curator <i>ad litem</i> appointed to a respondent PART 6 INCIDENTAL PROCEDURE: SPECIAL PROCEDURES CHAPTER 20
	DEVOLUTION ISSUES
20.1 20.2 20.3 20.4 20.5 20.6 20.7 20.8	Interpretation Raising a devolution issue Raising a devolution issue: intimation and service Raising a devolution issue: permission to proceed Participation by the relevant authority Reference to the Inner House or Supreme Court Reference to the Inner House or Supreme Court: further procedure Reference to the Inner House or Supreme Court: procedure following determination
	CHADTED 21

#### CHAPTER 21

# PRELIMINARY REFERENCES TO THE CJEU

21.1	Interpretation of this Chapter
21.2	Applications for a reference

- 21.3
- Preparation of reference
- Transmission of reference to European Court 21.4
- Sist of appeal 21.5

	INTERVENTIONS BY CEHR AND SCHR
22.1 22.2 22.3 22.4 22.5	Applications to intervene: determination Invitations to intervene
	CHAPTER 23
	PROOF
23.1 23.2 23.3 23.4 23.5 23.6 23.7	Taking proof in the course of an appeal Preparation for proof Conduct of proof Administration of oath or affirmation to witnesses Recording of evidence Transcripts of evidence Recording objections where recording of evidence dispensed with
	CHAPTER 24
	VULNERABLE WITNESSES
24.1 24.2 24.3 24.4 24.5 24.6 24.7 24.8 24.9	Interpretation and application of this Chapter Form of notices and applications Determination of notices and applications Determination of notices and applications: supplementary orders Intimation of orders Taking of evidence by commissioner: preparatory steps Taking of evidence by commissioner: interrogatories Taking of evidence by commissioner: conduct of commission Taking of evidence by commissioner: lodging and custody of video record and documents
	CHAPTER 25
	USE OF LIVE LINKS
25.1 25.2	Interpretation Application for use of live link
	CHAPTER 26
	REPORTING RESTRICTIONS
26.1 26.2 26.3 26.4 26.5	Interpretation and application of this Chapter Interim orders: notification to interested persons Interim orders: representations Notification of reporting restrictions Applications for variation or revocation

#### PART 7

# SPECIAL APPEAL PROCEEDINGS

#### CHAPTER 27

# ACCELERATED APPEAL PROCEDURE

27.1 Application of this Chapter
----------------------------------

- 27.2 Hearing of appeal
- 27.3 Application to remove appeal from accelerated appeal procedure

#### CHAPTER 28

#### APPLICATION FOR NEW JURY TRIAL OR TO ENTER JURY VERDICT

28.1	Application of this Chapter
28.2	Form of application for new trial
28.3	Application for new trial: restrictions
28.4	Applications out of time
28.5	Timetable in application for new trial
28.6	Sist of application for new trial and variation of timetable
28.7	Questions about competency of application
28.8	Questions about competency: determination
28.9	Appendices to print: contents
28.10	Appendices to print considered unnecessary
28.11	Notes of argument
28.12	Estimates of duration of hearing of application for new trial
28.13	Procedural hearing
28.14	Application to enter jury verdict

# **CHAPTER 29**

# APPEALS FROM SUMMARY CAUSES AND SMALL CLAIMS

29.1	Application of this Chapter
29.2	Transmission of appeal
29.3	Transmission of appeal: time to pay direction
29.4	Hearing of appeal
29.5	Determination of appeal
29.6	Appeal to the Court of Session: certification

#### CHAPTER 30

# APPEALS BY STATED CASE UNDER PART 15 OF THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

30.1	Application and interpretation of this Chapter
30.2	Transmission of appeal
30.3	Hearing of appeal
30 4	Determination of appeal

30.5 Leave to appeal to the Court of Session Signature

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

# SCHEDULE 1 ADMINISTRATIVE PROVISIONS

- 1. Quorum of the Court
- 2. Procedural Appeal Sheriff
- 3. Signature of interlocutors etc.
- 4. Form of process
- 5. Decrees, extracts and execution
- 6. Use of Gaelic

SCHEDULE 2 FORMS

Explanatory Note