
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 356

Act of Sederunt (Sheriff Appeal Court Rules) 2015

PART 1

PRELIMINARY MATTERS

CHAPTER 1

CITATION, COMMENCEMENT AND INTERPRETATION ETC.

Citation and commencement, etc.

1.1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Appeal Court Rules) 2015.

(2) It comes into force on 1st January 2016.

(3) A certified copy is to be inserted in the Books of Sederunt.

Interpretation

1.2.—(1) In this Act of Sederunt—

“the 2014 Act” means the Courts Reform (Scotland) Act 2014;

“the Clerk” means the Clerk of the Sheriff Appeal Court;

“advocate” means a practising member of the Faculty of Advocates;

“the Court” means the Sheriff Appeal Court;

“grounds of appeal” has the meaning given by rule 6.2(2)(b);

“party litigant” has the meaning given by rule 4.1(2);

“procedural Appeal Sheriff” has the meaning given by paragraph 2(1) of Schedule 1;

“procedural hearing” means a hearing under rule 7.14 or rule 28.13;

“provisional procedural order” means an order under rule 6.6(1);

“sheriff court process” means—

(a) the sheriff court process for the cause that is appealed to the Court; or

(b) where the cause is recorded in an official book of the sheriff court, a copy of the record in that book certified by the sheriff clerk;

“sheriff’s note” means a note setting out the reasons for the decision appealed against;

“solicitor” means a person qualified to practise as a solicitor under section 4 of the Solicitors (Scotland) Act 1980(1);

“timetable” means a timetable in—

(a) Form 7.2 issued under—

- (i) rule 7.2(1) (timetable in appeal);
- (ii) rule 7.6(5)(a) (recall of sist: issuing revised timetable); or
- (iii) rule 7.6(6)(b) (variation of timetable: issuing revised timetable); or
- (b) Form 28.5 issued under—
 - (i) rule 28.5(1) (timetable in application for new trial);
 - (ii) rule 28.6(6)(a) (recall of sist: issuing revised timetable); or
 - (iii) rule 28.6(7)(b) (variation of timetable: issuing revised timetable).
- (2) In relation to an application under section 69(1) or 71(2) of the 2014 Act—
 - “appeal” includes that application;
 - “appellant” includes the applicant;
 - “note of appeal” includes an application in Form 28.2 or Form 28.14.

Computation of periods of time

1.3. If any period of time specified in these Rules expires on a Saturday, Sunday or public or court holiday, it is extended to expire on the next day that the office of the Clerk is open for civil business.

Administrative provisions

1.4. Schedule 1 makes provision about administrative arrangements for the Court, including its quorum.

Forms

1.5.—(1) Where there is a reference in these Rules to a form, it is a reference to that form in Schedule 2.

(2) Where these Rules require a form to be used, that form may be varied where the circumstances require it.