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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 356**

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

**PART 4**

**DISPOSAL OF AN APPEAL**

**CHAPTER 8**

**REFUSAL OF APPEAL DUE TO DELAY**

**Application to refuse appeal due to delay**

**8.1.**—(1) Any party may apply to the procedural Appeal Sheriff to refuse the appeal if the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) there has been an inordinate and inexcusable delay by another party or another party's solicitor; and
- (b) unfairness has resulted from that delay.

(3) An application is to be made by motion.

(4) That motion must specify the grounds on which refusal of the appeal is sought.

**Determination of application to refuse appeal due to delay**

**8.2.**—(1) The procedural Appeal Sheriff may refuse the appeal if the procedural Appeal Sheriff considers that—

- (a) there has been an inordinate and inexcusable delay on the part of any party or any party's solicitor; and
- (b) such delay results in unfairness specific to the factual circumstances, including the procedural circumstances, of the appeal.

(2) The procedural Appeal Sheriff must take into account the procedural consequences of allowing the appeal to proceed for—

- (a) the parties to the appeal;
- (b) the efficient disposal of business in the Court.