
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 356

Act of Sederunt (Sheriff Appeal Court Rules) 2015

PART 5

INCIDENTAL PROCEDURE: STANDARD PROCEDURES

CHAPTER 16

AMENDMENT OF PLEADINGS

Amendment of sheriff court pleadings

16.1.—(1) Any party to an appeal may apply by motion to amend the pleadings in the sheriff court process.

(2) Where the procedural Appeal Sheriff—

- (a) allows an amendment to the pleadings in the sheriff court process; and
- (b) considers that the amendment makes a material change to the pleadings,

the procedural Appeal Sheriff may set aside the decision appealed against and remit the matter to the sheriff for a further hearing.

Amendment of note of appeal and answers etc.

16.2.—(1) A party who has lodged a document specified in paragraph (2) may apply by motion to amend that document.

(2) The documents are—

- (a) a note of appeal;
- (b) answers to a note of appeal;
- (c) grounds of appeal in a cross-appeal;
- (d) answers to grounds of appeal in a cross-appeal.

(3) Such a motion must include the text of the proposed amendment.

(4) An application under paragraph (1) is to be accompanied by an application to vary the timetable under rule 7.6(1)(c) or rule 28.6(1)(c) (sist of proceedings and variation of timetable) if such an application is necessary.