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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 356**

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

**PART 7**

**SPECIAL APPEAL PROCEEDINGS**

**CHAPTER 30**

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

**Application and interpretation of this Chapter**

**30.1.**—(1) This Chapter applies to an appeal by stated case under section 163(1), 164(1), section 165(1) and 167(1) of the Children's Hearings (Scotland) Act 2011(1).

(2) In this Chapter, "parties" means the parties specified in rule 3.59(2) of the Act of Sederunt (Child Care and Maintenance Rules) 1997(2).

**Transmission of appeal**

**30.2.**—(1) Within 4 days after the sheriff has signed the stated case, the sheriff clerk must transmit to the Clerk—

- (a) the stated case;
- (b) all documents and productions in the case.

(2) On receipt of the stated case, the Clerk is to fix a hearing and intimate the date, time and place of that hearing to the parties.

**Hearing of appeal**

**30.3.**—(1) At the hearing, a party may only raise questions of law or procedural irregularities of which notice has not been given if the Court permits the party to do so.

(2) Where the Court grants permission, it may do so on such conditions as to expenses or otherwise as the Court thinks fit.

**Determination of appeal**

**30.4.**—(1) At the conclusion of the hearing, the Court may either give its decision orally or reserve judgment.

(2) Where the Court reserves judgment, it must give its decision in writing within 28 days.

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(1) [2011 asp 1](#). There are amendments to Part 15 which are not relevant to this Act of Sederunt.  
(2) [1997/291](#), last amended by [S.S.I. 2015/283](#). Rule 3.59 was last amended by [S.S.I. 2013/172](#)

### **Leave to appeal to the Court of Session**

**30.5.**—(1) This rule applies to applications for leave to appeal to the Court of Session under section 163(2), 164(2) or 165(2) of the Children’s Hearings (Scotland) Act 2011.

(2) An application is to be made in Form 30.5.

(3) Such an application must be lodged within 7 days after the date on which the Court gave its decision on the appeal.

(4) On receipt of an application, the Clerk must—

- (a) fix a hearing to take place before the procedural Appeal Sheriff no later than 14 days after the application is received;
- (b) intimate the date, time and place of that hearing to the parties.