
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 419

**Act of Sederunt (Rules of the Court of Session,
Sheriff Appeal Court Rules and Sheriff Court
Rules Amendment) (Sheriff Appeal Court) 2015**

Amendment of the Act of Sederunt (Sheriff Appeal Court Rules) 2015

19.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2015(1) is amended in accordance with this paragraph.

(2) In rule 5.6(3)(b) (additional methods of intimation where receiving party represented by solicitor), omit “at or”.

(3) In rule 6.1 (application of this Chapter), after paragraph (d) insert—

“(e) an appeal against an interlocutor granting decree of divorce in a simplified divorce application (see rule 33.81 of the Ordinary Cause Rules 1993(2));

(f) an appeal against an interlocutor granting decree of dissolution of civil partnership in a simplified dissolution of civil partnership application (see rule 33A.74 of the Ordinary Cause Rules 1993(3)).”.

(4) In rule 7.3(1) (cross-appeals), for “within 28 days after the appeal is intimated in accordance with an order under rule 6.5(1) (order for intimation and answers)” substitute “within 28 days after the timetable is issued under rule 7.2(1)”.

(5) For rule 7.9 (appeal print) substitute—

“Appeal print

7.9.—(1) The appellant must lodge an appeal print within 21 days after the timetable is issued under rule 7.2(1).

(2) An appeal print is to contain—

(a) the pleadings in the sheriff court process;

(b) the interlocutors in the sheriff court process;

(c) the sheriff’s note setting out the reasons for the decision appealed against, if it is available.

(3) Where the appeal is directed at the refusal of the sheriff to allow the pleadings to be amended, the appeal print is also to contain the text of the proposed amendment.”.

(6) In rule 13.4(3) (lodging unopposed motions), for “5 p.m.” substitute “1700 hours”.

(7) After rule 19.2 (additional fee), insert—

(1) [S.S.I. 2015/356](#).

(2) The Ordinary Cause Rules 1993 are in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by [S.I. 1993/1956](#) and was last amended by [S.S.I. 2015/312](#).

(3) Rule 33A.74 was inserted by [S.S.I. 2005/638](#).

“Sanction for the employment of counsel

- 19.2A.**—(1) The Court may grant sanction for the employment of counsel to carry out the types of work specified in paragraph (3)—
- (a) of the Court’s own accord; or
 - (b) on the application of any party.
- (2) An application is to be made by motion.
- (3) The types of work are—
- (a) appearing at any hearing;
 - (b) preparing any document that is to be lodged in relation to the appeal.
- (4) Sanction may be granted before or after the work for which it is sought has been carried out.
- (5) A refusal to grant sanction before work is carried out does not prevent sanction being granted for that work after it has been carried out.
- (6) In granting sanction, the Court may also—
- (a) grant sanction for more than one person to carry out the work;
 - (b) impose any restrictions.”.
- (8) In rule 24.6(2) (taking of evidence by commissioner: preparatory steps), after “is” insert “to”.
- (9) In rule 27.3 (application to remove appeal from accelerated appeal procedure), after paragraph (1) insert—
- “(1A) An application is to be made by motion.”.
- (10) In rule 28.2(3) (form of application for new trial), for “motion” substitute “application”.
- (11) In rule 28.14(3) (application to enter jury verdict), for “a motion under paragraph (2)” substitute “an application”.
- (12) In rule 30.1(1) (application and interpretation of Chapter 30), omit “section” where it second occurs.
- (13) In Schedule 1 (administrative provisions)—
- (a) in paragraph 3 (signature of interlocutors etc.)—
 - (i) after subparagraph (5), insert—

“(5A) The Clerk may sign any other interlocutor if directed to do so by the procedural Appeal Sheriff.

(5B) A direction under subparagraph (5A) need not be in writing.”;
 - (ii) in subparagraphs (6) and (8), for “subparagraph (5)” substitute “subparagraphs (5) and (5A)”;
- (b) in paragraph 5 (decrees, extracts and execution), after subparagraph (6) insert—

“(7) Where interest is included in or payable under a decree, the rate of interest is 8 per cent a year unless otherwise stated.”.
- (14) In Schedule 2 (forms)—
- (a) in Form 6.2 (note of appeal) at the end of paragraph 1 insert “The court reference number is *(insert court reference number)*.”;
 - (b) in Form 7.3 (grounds of appeal)—
 - (i) for “GROUND” substitute “GROUNDS”;
 - (ii) the title of the Form becomes “Grounds of appeal in cross-appeal”;

- (c) in Form 13.1 (Form of motion by email), in paragraph 11, for “5 p.m.” substitute “1700 hours”.