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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 194**

**Act of Sederunt (Sheriff Appeal Court Rules 2015 and Sheriff Court Rules Amendment) (Miscellaneous) 2016**

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

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

(2) In rule 6.2(2) (form of appeal)—

(a) after subparagraph (b) insert—

“(ba) have appended to it a copy of the interlocutor containing the decision appealed against.”;

(b) in subparagraph (f), omit “and dated”.

(3) In rule 6.7 (provisional orders: representations)—

(a) in paragraph (1), omit “to the Court”;

(b) after paragraph (2) insert—

“(2A) Paragraph (2B) applies where the procedural Appeal Sheriff varies the period of 14 days mentioned in rule 6.5(1)(b) in accordance with rule 6.5(2).

(2B) The procedural Appeal Sheriff may also vary the period of 14 days mentioned in paragraph (2)(b).”;

(c) in paragraph (5), for “the Court” substitute “the procedural Appeal Sheriff”.

(4) In rule 7.15 (transmission of sheriff court process), in each of paragraphs (1), (2), 4(a)(ii) and (5)(b) for “Court” substitute “procedural Appeal Sheriff”.

(5) In rule 29.2 (summary causes and small claims: transmission of appeal), for paragraph (1) substitute—

“(1) Within 4 days after the sheriff has signed the stated case, the sheriff clerk must—

(a) send the parties a copy of the stated case;

(b) transmit to the Clerk—

(i) the stated case;

(ii) all documents and productions in the case.”.

(6) In rule 29.3(1)(a) (transmission of appeal: time to pay direction), for “Form 22” substitute “Form 23”.

(7) In rule 30.2 (appeals under Part 15 of the Children’s Hearings (Scotland) Act 2011: transmission of appeal), for paragraph (1) substitute—

“(1) Within 4 days after the sheriff has signed the stated case, the sheriff clerk must—

(a) send the parties a copy of the stated case;

(b) transmit to the Clerk—

- (i) the stated case;
  - (ii) all documents and productions in the case.”.
- (8) In Schedule 1 (administrative provisions)(2)—
  - (a) in paragraph 1(3) (quorum of the Court)—
    - (i) before head (a), insert—
      - “(za) relieving a party from the consequences of a failure to comply with a provision in these Rules under rule 2.1(1);”;
    - (ii) after head (d), insert—
      - “(da) disposing of an application for an additional fee under rule 19.2(1), where the order allowing expenses was made by one Appeal Sheriff;
      - (db) disposing of an application for sanction for the employment of counsel, unless the application seeks sanction in respect of appearing at a hearing before more than one Appeal Sheriff;”;
    - (iii) after head (e), insert—
      - “(ea) disposing of a note of objections under rule 19.5(3), where the order allowing expenses was made by one Appeal Sheriff;”;
  - (b) for paragraph 4(1) (form of process), substitute—
    - “(1) A process must include the following steps of process—
      - (a) a minute of proceedings;
      - (b) an inventory of process.”.
- (9) For Schedule 2 (forms)(3), substitute the Schedule set out in the Schedule to this Act of Sederunt.

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(2) Schedule 1 was amended by [S.S.I. 2015/419](#).  
(3) Schedule 2 was amended by [S.S.I. 2015/419](#).