

SCHEDULES

SCHEDULE 5

Section 44.

PROVISIONS AS TO APPEALS UNDER S. 44 OF TINS ACT

PART I

COURTS WITH JURISDICTION TO ENTERTAIN APPEAL

Nature of appeal	Quarter sessions jurisdiction	Sheriff's jurisdiction
1. Appeal under section 26(4), 29(2) or 30(3) (against refusal to grant or renew, or to vary, or against revocation of, a certificate).	The court having jurisdiction in the place where the appellant resides.	The sheriff within whose jurisdiction the appellant resides.
2. Appeal under section 34(5) by a person aggrieved by the refusal of a chief officer of police to register him as a firearms dealer.	The court having jurisdiction in the place in which there is situated any place of business in respect of which the appellant has applied to be registered.	The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has applied to be registered.
3. Appeal under section 34(5) or 37(3) by a person aggrieved by the refusal of a chief officer of police to enter a place of business of his in the register.	The court having jurisdiction in the place in which there is situated the place of business to which the appeal relates.	The sheriff within whose jurisdiction there is situated the place of business to which the appeal relates.
4. Appeal under section 36(3) (against imposition or variation of condition of registration, or refusal to vary or revoke such a condition).	The court having jurisdiction in the place in which is situated the appellant's place of business in respect of which the condition is in force.	The sheriff within whose jurisdiction is situated the appellant's place of business in respect of which the condition is in force.
5. Appeal under section 38(7) by a person aggrieved by the removal of his name from the register.	The court having jurisdiction in the place in which is situated any place of business in respect of which the appellant has been registered.	The sheriff within whose jurisdiction there is situated any place of business in respect of which the appellant has been registered.
6. Appeal under section 38(7) by a person aggrieved by the removal from the register of a place of business of his.	The court having jurisdiction in the place in which is situated the place of business to which the appeal relates.	The sheriff within whose jurisdiction is situated the place of business to which the appeal relates.

PART II

PROCEDURAL PROVISIONS FOR APPEAL TO QUARTER SESSIONS

- 1 Notice of an appeal, signed by the appellant or by his agent on his behalf and stating the general grounds of the appeal, shall be given by him to the clerk of the peace and also to the chief officer of police by whose decision the appellant is aggrieved.
- 2 A notice of appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the chief officer of police by which he is aggrieved.
- 3 On receiving notice of an appeal the clerk of the peace shall enter the appeal and give notice to the appellant and to the chief officer of police to whom the notice of the appeal is required by paragraph 1 of this Part of this Schedule to be given, of the date, time and place fixed for the hearing.
- 4 An appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal by giving notice in writing to the clerk of the peace and to the chief officer of police; and if he does so the court of quarter sessions (hereafter referred to in this Schedule as "the court") may order the appellant to pay to the chief officer of police such costs as appear to it to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal before notice of abandonment was given to him.
- 5 The chief officer of police may appear and be heard on the hearing of an appeal.
- 6 The court may from time to time adjourn the hearing of an appeal.
- 7 On the hearing of an appeal the court may either dismiss the appeal or give the chief officer of police such directions as it thinks fit as respects the certificate or register which is the subject of the appeal.
- 8 On the determination of an appeal the court may make such order as to payment of costs as it thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered by the court to be paid may be recovered summarily as a civil debt and shall not be recoverable in any other manner.