



Court of Session Act 1988

1988 CHAPTER 36

PART V

APPEAL AND REVIEW

Review in jury actions

[^{F1}31A Power to provide for single judge of Inner House to determine leave or permission and assess grounds of appeal

- (1) The Court may by act of sederunt provide for any applications to the Court for leave or permission to appeal to the Inner House to be determined by a single judge of the Inner House.
- (2) The Court may by act of sederunt provide for—
 - (a) any appeal proceedings to be considered initially (and, where required, after leave or permission to appeal has been granted) by a single judge of the Inner House, and
 - (b) for the single judge to decide, by reference to whether the grounds of appeal or any of them are arguable—
 - (i) whether the appeal proceedings should be allowed to proceed in the Inner House, and
 - (ii) if so, on which grounds.
- (3) An act of sederunt under subsection (1) or (2)—
 - (a) must include provision—
 - (i) about the procedure to be followed in the proceedings before the single judge, including provision for the parties to be heard before the judge makes a decision,
 - (ii) for review, on the application of any party to the proceedings, of the decision of the single judge by a Division of the Inner House,
 - (iii) about the grounds on which the decision may be so reviewed,
 - (iv) about the procedure to be followed in such a review,

Changes to legislation: Court of Session Act 1988, Section 31A is up to date with all changes known to be in force on or before 26 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (v) about the matters that may be considered in such a review and the powers available to the Division on disposing of the review, and
- (b) may make different provision in relation to different types of—
 - (i) applications for leave or permission,
 - (ii) appeal proceedings.
- (4) Subject to any provision made in an act of sederunt by virtue of subsection (3)(a)(ii) to (v), the decision of any single judge under an act of sederunt under subsection (1) or (2) is final.
- (5) Subsection (6) applies in appeal proceedings in which—
 - (a) a single judge has granted leave or permission for the appeal by virtue of subsection (1), and
 - (b) the judge's decision is subject to review by a Division of the Inner House by virtue of subsection (3)(a)(ii).
- (6) Where this subsection applies, the reference in subsection (2)(a) to leave or permission to appeal having been granted is a reference to its having been confirmed following review by the Division of the Inner House.
- (7) In subsection (2)(a), “appeal proceedings” means proceedings on—
 - (a) a reclaiming application under section 28 (reclaiming against decisions of a Lord Ordinary),
 - (b) an application under section 29 (application for a new trial),
 - (c) an application under section 31 (application to overturn jury verdict),
 - (d) an appeal from the Sheriff Appeal Court under section 113 of the Courts Reform (Scotland) Act 2014,
 - (e) an appeal from a sheriff principal under section 114 of that Act,
 - (f) any other appeal taken to the Court (whether under an enactment or otherwise).]

Textual Amendments

- F1** S. 31A inserted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 115**, 138(2); [S.S.I. 2015/77](#), art. 2(2)(3), sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) added by [2024 asp 1 s. 7\(13\)](#)