



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 5

CIVIL APPEALS

Appeals to the Court of Session

113 Appeal from the Sheriff Appeal Court to the Court of Session

- (1) An appeal may be taken to the Court of Session against a decision of the Sheriff Appeal Court constituting final judgment in civil proceedings, but only—
 - (a) with the permission of the Sheriff Appeal Court, or
 - (b) if that Court has refused permission, with the permission of the Court of Session.
- (2) The Sheriff Appeal Court or the Court of Session may grant permission under subsection (1) only if the Court considers that—
 - (a) the appeal would raise an important point of principle or practice, or
 - (b) there is some other compelling reason for the Court of Session to hear the appeal.
- (3) This section does not affect any other right of appeal against any decision of the Sheriff Appeal Court to the Court of Session under any other enactment.
- (4) This section is subject to any provision of any other enactment that restricts or excludes a right of appeal from the Sheriff Appeal Court to the Court of Session.

114 Appeal from the sheriff principal to the Court of Session

- (1) An appeal may be taken to the Court of Session against a decision of a sheriff principal constituting a final judgment in relevant civil proceedings.
- (2) This section does not affect any other right of appeal against any decision of a sheriff principal to the Court of Session under any other enactment.
- (3) This section is subject to any provision of any other enactment that restricts or excludes any right of appeal from a sheriff principal to the Court of Session.

- (4) In subsection (1), “relevant civil proceedings” means civil proceedings (other than an appeal) under an enactment that provides for the proceedings to be brought before a sheriff principal rather than a sheriff.

115 Appeals: granting of leave or permission and assessment of grounds of appeal

In the Court of Session Act 1988, after section 31 insert—

“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,
 - (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).

Status: This is the original version (as it was originally enacted).

- (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).”