



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 5

#### CIVIL APPEALS

##### *Appeals to the Sheriff Appeal Court*

#### **109 Abolition of appeal from a sheriff to the sheriff principal**

- (1) No appeal may be taken to the sheriff principal against any decision of a sheriff in civil proceedings.
- (2) Subsection (3) applies to any provision of any pre-commencement enactment that—
  - (a) provides for an appeal to the sheriff principal from any decision of a sheriff in civil proceedings, or
  - (b) restricts or excludes any such appeal.
- (3) The provision has effect as if for the reference to the sheriff principal there were substituted a reference to the Sheriff Appeal Court.
- (4) In subsection (2), “pre-commencement enactment” means an enactment passed or made before this section comes into force.

#### **110 Appeal from a sheriff to the Sheriff Appeal Court**

- (1) An appeal may be taken to the Sheriff Appeal Court, without the need for permission, against—
  - (a) a decision of a sheriff constituting final judgment in civil proceedings, or
  - (b) any decision of a sheriff in civil proceedings—
    - (i) granting, refusing or recalling an interdict, whether interim or final,
    - (ii) granting interim decree for payment of money other than a decree for expenses,
    - (iii) making an order ad factum praestandum,
    - (iv) sisting an action,
    - (v) allowing, refusing or limiting the mode of proof, or

(vi) refusing a reponing note.

- (2) An appeal may be taken to the Sheriff Appeal Court against any other decision of a sheriff in civil proceedings if the sheriff, on the sheriff's own initiative or on the application of any party to the proceedings, grants permission for the appeal.
- (3) In an appeal to the Sheriff Appeal Court, the Court may allow further proof.
- (4) This section does not affect any other right of appeal to the Sheriff Appeal Court under any other enactment.
- (5) This section does not affect any right of appeal against any decision of a sheriff to the Court of Session under any other enactment.
- (6) This section is subject to any provision of this or any other enactment that restricts or excludes a right of appeal from a sheriff to the Sheriff Appeal Court.

### **111 Sheriff Appeal Court's powers of disposal in appeals**

- (1) In determining an appeal under section 110, the Court has power to—
  - (a) grant such disposal as the Court sees fit, including by (in whole or in part)—
    - (i) adhering to the decision that is subject to the appeal,
    - (ii) recalling the decision,
    - (iii) varying the decision,
    - (iv) remitting the case back to the sheriff,
    - (v) dismissing the appeal,
  - (b) make such incidental or interim orders as may be necessary, and
  - (c) determine any incidental or other issue that needs to be determined for the purpose of doing justice in the appeal.
- (2) Subsection (1)—
  - (a) does not affect the generality of section 47(3), but
  - (b) is subject to any other provision of this Act or any other enactment that restricts or excludes any power of the Court in determining or disposing of an appeal.

### **112 Remit of appeal from the Sheriff Appeal Court to the Court of Session**

- (1) This section applies in relation to an appeal to the Sheriff Appeal Court against a decision of a sheriff in civil proceedings.
- (2) The Sheriff Appeal Court may—
  - (a) on the application of a party to the appeal, and
  - (b) if satisfied that the appeal raises a complex or novel point of law,
 remit the appeal to the Court of Session.
- (3) Where an appeal is remitted to the Court of Session under subsection (2), the Court of Session may deal with and dispose of the appeal as if it had originally been made direct to that Court.