Courts Reform (Scotland) Act 2014

2014 asp 18

PART 5

CIVIL APPEALS

Effect of appeal

116   Effect of appeal

(1) This section applies to—

    (a)   an appeal to the Sheriff Appeal Court under section 110 (including such an appeal remitted to the Court of Session under section 112), and

    (b)   an appeal to the Court of Session under section 113 or 114.

(2) In the appeal, all prior decisions in the proceedings (whether made at first instance or at any stage of appeal) are open to review.

(3) Any party to the proceedings may insist in the appeal even though the party is not the one who initiated the appeal.

(4) An appeal to which this section applies does not prevent the immediate execution of any of the following, which may continue to have effect despite the appeal until recalled—

    (a)   a warrant to take inventories,

    (b)   a warrant to place effects in custody for the interim,

    (c)   a warrant for interim preservation,

    (d)   an interim interdict.

Commencement Information

I1   S. 116 in force at 1.1.2016 by S.S.I. 2015/378, art. 2, **Sch.**

Changes to legislation:
Courts Reform (Scotland) Act 2014, Cross Heading: Effect of appeal is up to date with all
changes known to be in force on or before 25 May 2023. 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.
View outstanding changes

> **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):
>
> –   sch. 1 para. 5A and cross-heading inserted by 2020 asp 9 s. 9
> –   sch. 1 para. 2(g)(h) inserted by 2021 asp 16 s. 15(8)