
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 130

**Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment
(No. 2) (Local Government (Scotland) Act 1973) 2002**

Amendment of the principal Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(1) shall be amended in accordance with the following paragraphs.

(2) In Chapter 2 (summary application rules), in rule 2.7 (warrants, forms and certificate of citation)—

(a) in paragraph (4)(a)(2), after “subject to paragraphs (5) and (7A)(a),” insert “and rule 3.18.3(1) (appeals under section 103J of the Local Government (Scotland) Act 1973) (3),”; and

(b) in paragraph 4(b)(4)—

(i) for “rule” substitute “rules”; and

(ii) after “(service where address of person is not known)” insert “and 3.18.3(2) (appeals under section 103J of the Local Government (Scotland) Act 1973)”.

(3) In Chapter 3, after Part XVII (Anti-terrorism, Crime and Security Act 2001)(5), insert—

“PART XVIII

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

Application

3.18.1. —This Part applies to appeals to the sheriff principal under section 103J of the Local Government (Scotland) Act 1973 (appeals from the Accounts Commission for Scotland).

Appeals

3.18.2.—(1) An appeal under this Part shall be made by summary application.

(2) A summary application made under paragraph (1) shall include grounds of appeal stating—

(a) the finding or sanction or suspension being appealed;

(b) reasons why the appeal should be allowed; and

(1) S.I.1999/929, as amended by S.S.I. 2000/148 and 387, 2001/142, and 2002/7 and .

(2) Paragraph (4)(a) was amended by paragraph 3(2)(a) of S.S.I. 2002/7.

(3) 1973 c. 65. Section 103J was inserted by the *Ethical Standards in Public Life etc. (Scotland) Act 2000* (asp 7), section 33(3).

(4) Paragraph (4)(b) was amended by paragraph 3(2)(b) of S.S.I. 2002/7.

(5) Inserted by S.S.I. 2002/129.

(c) the date of sending of the finding or imposition of the sanction or suspension concerned,
and shall be accompanied by a copy of such finding, sanction or suspension.

Warrant and form of citation

3.18.3.—(1) A warrant for citation in an appeal under this Part shall be in Form 2A and shall state—

- (a) the date by which answers should be lodged; and
- (b) the date and time when the appeal will call.

(2) Citation in respect of a warrant granted under paragraph (1) shall be in Form 3A.

(3) Where a party on whom service has been made lodges answers under paragraph (1)(a) that party shall, at the same time, send a copy to the applicant.”.

(4) In Schedule 1 (forms)—

- (a) after Form 2 insert Form 2A; and
- (b) after Form 3 insert Form 3A,

as set out in the Schedule to this Act of Sederunt.