

SCHEDULE

RULES OF THE SCOTTISH LAND COURT 2014

Appeals to the court

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58.—(1) Subject to the provisions of any enactment allowing appeals to the Scottish Land Court, this rule and rules 59 to 63 apply to such appeals.

(2) Written intimation of the appeal is to be made to the Principal Clerk within 4 weeks of intimation of the decision appealed against.

(3) Intimation of the appeal must contain a clear statement of the grounds of appeal.

(4) The Principal Clerk is to intimate the appeal to the body whose decision is challenged and to such parties as made submissions to that body in respect of the relevant proceedings before it as she considers likely to have a relevant interest in the appeal.

(5) Any party intending to oppose the appeal is not required to lodge any note of opposition or answers unless and until asked to do so by the court.

Consideration of basis for proceeding with appeal etc62.

59.—(1) The Chairman is to consider whether the grounds set out in the statement submitted in terms of rule 58 demonstrate a basis upon which the order or determination in question might realistically be expected to be changed or set aside; and for the purposes of such consideration the court may—

- (a) allow the appellant to lodge written submissions in support of all or any of those grounds;
- (b) allow the appellant to be heard in support of all or any of those grounds; or
- (c) allow the appellant to amend or add to those grounds.

(2) Where the Chairman is satisfied of the sufficiency of the grounds of appeal the court is to order any party it considers to have a relevant interest in the appeal to lodge a note of opposition to all or any of those grounds and a note of any separate grounds of appeal which are to be advanced by that party together with such answers, if any, as that party considers appropriate and to do so within such period as is specified in the order.

Refusal after consideration

60. If, after due consideration, the Chairman is not satisfied of the sufficiency of the grounds set out in the statement of grounds of appeal the appeal is to be refused.

Dispensing with hearing of appeal

61. If the parties agree, the court may give judgment in an appeal—

- (a) without ordering written submissions or a hearing; or
- (b) upon written submissions only.

Outline of argument

62. No later than 2 weeks before the day set down for hearing the appeal, the appellant, and where appropriate the respondent, is to lodge with the Principal Clerk and intimate to the other parties an outline of argument which includes—

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- (a) in relation to each ground of appeal, a short summary of the arguments intended to be relied on;
- (b) in relation to each such ground, the main authorities intended to be relied on; and
- (c) a statement as to whether any ground set out in the statement of grounds of appeal is not to be insisted upon.

Powers of court on appeal

- 63.**—(1) The court may in an appeal—
- (a) vary, recall or annul an order challenged or appealed against—
 - (i) in whole;
 - (ii) in so far only as affecting a severable and distinct part of the matters in dispute; or
 - (iii) as between some only of the parties;
 - (b) make any order which it considers should have been made; and
 - (c) make any other order which it thinks requisite to—
 - (i) deal with any change of circumstances occurring after the date of an order challenged or appealed against; or
 - (ii) set right any substantial error, omission, defect, wrong or miscarriage of justice.
- (2) In making an order under paragraph (1), the court may impose such conditions (if any) as it thinks fit.