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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 419**

**Act of Sederunt (Rules of the Court of Session,  
Sheriff Appeal Court Rules and Sheriff Court  
Rules Amendment) (Sheriff Appeal Court) 2015**

**Amendment of the Summary Cause Rules 2002**

- 11.**—(1) The Summary Cause Rules 2002<sup>(1)</sup> are amended in accordance with this paragraph.
- (2) In rule 2.1(5) (representation), omit “, other than appeals to the sheriff principal,”.
- (3) In rule 8.15 (objections to admissibility of evidence), omit subparagraph (b).
- (4) Omit rule 8.16 (incidental appeal against rulings on confidentiality of evidence and production of documents).
- (5) In rule 23.2 (final decree)<sup>(2)</sup>, omit “the sheriff principal or”.
- (6) In rule 23.3 (expenses)<sup>(3)</sup>—
- (a) in paragraph (6), omit “the sheriff principal or”;
  - (b) in paragraph (9)(b), omit “the sheriff principal or”;
  - (c) in paragraph (10), omit “sheriff principal or the”;
  - (d) omit paragraph (11);
  - (e) in paragraph (12), omit “the sheriff principal or”;
  - (f) in paragraph (13), omit “sheriff principal or”;
  - (g) in paragraph (15), omit “sheriff principal or”.
- (7) In Chapter 25 (appeals)—
- (a) in rule 25.1 (appeals)—
    - (i) in paragraph (1)—
      - (aa) for “the sheriff principal” substitute “the Sheriff Appeal Court”;
      - (bb) omit “by note of appeal”;
    - (ii) in paragraph (2), for “a note of appeal” substitute “Form 31”;
    - (iii) in paragraph (3), for “a note of appeal” substitute “Form 31”;
    - (iv) for paragraph (10) substitute—
      - “(10) After the sheriff has signed the stated case, the appeal is to proceed in accordance with Chapter 29 of the Act of Sederunt (Sheriff Appeal Court Rules) 2015<sup>(4)</sup>.”;
    - (v) the heading becomes “Appeals: application for stated case”;

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(1) The Summary Cause Rules 2002 are in Schedule 1 to the Act of Sederunt (Summary Cause Rules) 2002 (S.S.I. 2002/132, last amended by S.S.I. 2015/283).

(2) Rule 23.2 was amended by S.S.I. 2002/516.

(3) Rule 23.3 was last amended by S.S.I. 2009/164.

(4) S.S.I. 2015/356.

- (b) omit rules 25.2 (effect of and abandonment of appeal) and 25.3 (hearing of appeal);
- (c) in rule 25.4 (appeal in relation to a time to pay direction)—
  - (i) in paragraph (1), for “sheriff principal” substitute “Sheriff Appeal Court”;
  - (ii) in paragraph (2), for “Rules 25.1, 25.2, 25.3(2) and (3) and 25.7” substitute “Rule 25.1”;
  - (iii) omit paragraph (5);
- (d) in rule 25.6(c) (provisions for appeal in actions for recovery of heritable property to which rule 30.2 applies), for “note of appeal” substitute “Form 31”;
- (e) omit rule 25.7 (appeal to the Court of Session).
- (8) In Appendix 1 (forms)(5)—
  - (a) in Form 31 (form of note of appeal to the sheriff principal)—
    - (i) for “sheriff principal” substitute “Sheriff Appeal Court”;
    - (ii) the title of the Form becomes “Form of application for stated case”;
  - (b) in Form 32 (application for leave to appeal against time to pay direction), for “sheriff principal” substitute “Sheriff Appeal Court”;
  - (c) in Form 33 (appeal against time to pay direction), for “sheriff principal” substitute “Sheriff Appeal Court”;
  - (d) omit Form 34 (application for certificate of suitability for appeal to the Court of Session).
- (9) In Appendix 2 (glossary), in the term “stated case”, for “sheriff principal” substitute “Sheriff Appeal Court”.