
SCOTTISH STATUTORY INSTRUMENTS

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 Sheriff Court Bankruptcy Rules

- 14.**—(1) The Sheriff Court Bankruptcy Rules⁽¹⁾ are amended in accordance with this paragraph.
- (2) In rule 8 (appeals to the sheriff principal and the Court of Session)⁽²⁾—
- (a) in paragraph (1)—
 - (i) after “appeal” insert “to the Court of Session”;
 - (ii) omit subparagraphs (a) and (d);
 - (b) in paragraph (2), for “the Sheriff Principal [*or* Court of Session]” substitute “the Court of Session”;
 - (c) for paragraph (5) substitute—

“(5) The sheriff clerk shall, within four days of the note of appeal being marked, transmit the process to the Deputy Principal Clerk of Session.”;
 - (d) in paragraph (6), omit subparagraph (c);
 - (e) omit paragraph (9);
 - (f) the heading becomes “Appeals to the Court of Session”.
- (3) After rule 8, insert—

“Appeals to the Sheriff Appeal Court

- 8A.**—(1) This rule applies to an appeal to the Sheriff Appeal Court under the following provisions of the Act of 1985—
- (a) section 15(2A) (order transferring sequestration)⁽³⁾;
 - (b) section 15(3) (refusing to award)⁽⁴⁾;
 - (c) section 30(8) (removing commissioner)⁽⁵⁾;
 - (d) section 56J(2) (refusal to annul bankruptcy restrictions order or interim bankruptcy restrictions order)⁽⁶⁾.

(1) The Sheriff Court Bankruptcy Rules are in the Schedule to the Act of Sederunt (Sheriff Court Bankruptcy Rules) 2008 ([S.S.I. 2008/119](#), last amended by [S.S.I. 2015/119](#)).

(2) Rule 8 was amended by [S.S.I. 2015/119](#).

(3) [1985 c. 66](#). Section 15(2A) was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 ([asp 3](#)), section 16(2)(c).

(4) [1985 c. 66](#). Section 15(3) was amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 ([asp 3](#)), section 16(2)(d) and schedule 6, Part 1.

(5) [1985 c. 66](#). Section 30(8) was inserted by the Bankruptcy and Debt Advice (Scotland) Act 2014 ([asp 11](#)), section 31(b).

(6) [1985 c. 66](#). Section 56J was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 ([asp 3](#)), section 2(1) and amended by the Bankruptcy and Debt Advice (Scotland) Act 2014 ([asp 11](#)), section 33(8), schedule 3, paragraph 30 and schedule 4.

(2) An appeal to the Sheriff Appeal Court is to be made in accordance with Chapter 6 of the Act of Sederunt (Sheriff Appeal Court Rules) 2015(7).

(3) Within four days of a note of appeal being lodged under rule 6.2(1) (form of appeal) of the Act of Sederunt (Sheriff Appeal Court Rules) 2015, the Clerk of the Sheriff Appeal Court must send written notice of the appeal—

- (a) in an appeal under section 15(3) of the Act of 1985, to any concurring creditor and the debtor, as the case may be;
- (b) in an appeal under section 30(8) of the Act of 1985, to the trustee, the Accountant in Bankruptcy, any commissioner and any creditor;
- (c) in an appeal under section 56J(2) of the Act of 1985, to the Accountant in Bankruptcy and the trustee.

(4) The Clerk of the Sheriff Appeal Court must certify on the interlocutor sheet that notice has been given in accordance with paragraph (3).

(5) Failure by the Clerk of the Sheriff Appeal Court to comply with paragraph (3) or (4) does not affect the validity of an appeal.”.