
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 102

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (Miscellaneous) 2016

Amendment of the Rules of the Court of Session 1994

- 2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.
- (2) In Rule 4.2(3) (signature of documents)⁽²⁾ after subparagraph (b), insert—
- “(ba) an application in Form 40.2 or Form 41A.2 may be signed by the applicant or an agent;”.
- (3) In rule 4.7 (lodging of documents in Inner House causes)⁽³⁾—
- (a) in paragraph (1)—
- (i) in subparagraph (b), omit “application for leave to appeal;”;
- (ii) for “six copies” where it first appears, substitute “three copies”;
- (iii) omit “; and, unless otherwise agreed, send six copies of it to every other party”;
- (b) after paragraph (1) insert—
- “(1A) A party, on lodging an application for leave to appeal in the Inner House, must—
- (a) lodge in process a copy of the application; and
- (b) unless otherwise agreed, send a copy to every other party.
- (1B) A party who has lodged an application for leave to appeal in the Inner House must, if notified by a clerk of session that the application will be dealt with by a Division of the Inner House under rule 37A.2(3), lodge in process two additional copies of the application within the period of 7 days beginning with the date of notification.”;
- (c) in paragraph (2), for “four copies”, substitute “three copies”;
- (d) after paragraph (2) insert—
- “(3) Unless rule 37A.2(3) applies, where a party intends to refer to a document (other than the application itself) at a hearing on an application for leave to appeal, the party shall lodge a copy of it in process by 12 noon on the second sederunt day before the hearing.”.
- (4) In rule 38.2(5)(g) (reclaiming days)⁽⁴⁾, omit “, refusing”.
- (5) In rule 41.14(1) (appeals under statute: lodging of case in court)⁽⁵⁾, omit subparagraph (b).
- (6) In rule 41.48(4) (modifications of Part II to stated cases under the Tribunals and Inquiries Act 1992)⁽⁶⁾, omit modified rule 41.14(b).

⁽¹⁾ The Rules of the Court of Session 1994 are in Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2015/419).

⁽²⁾ Rule 4.3 was last amended by S.S.I. 2014/371.

⁽³⁾ Rule 4.7 was last amended by S.S.I. 2010/30.

⁽⁴⁾ Rule 38.2 was substituted by S.S.I. 2010/30.

⁽⁵⁾ Rule 41.14 was substituted by S.S.I. 2011/303.

⁽⁶⁾ Rule 41.48 was substituted by S.S.I. 2011/303.

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(7) In rule 41.50(4) (modifications of Part II to appeals under certain Social Security Acts)(7), omit modified rule 41.14(b).

(8) In rule 49.22(10)(a) (child welfare reporters)(8), omit “and”.

(9) In the Appendix—

(a) in Form 40.2 (form of application for leave to appeal), for “*(Signed by counsel or other person having a right of audience)*” substitute—

“(Signed)

Applicant

[or Solicitor [or Agent] for applicant]”;

(b) in Form 41A.2 (form of application for permission to appeal to the Supreme Court)(9), for “*(signed by counsel or other person having a right of audience)*” substitute—

“(Signed)

Applicant

[or Solicitor [or Agent] for applicant]”;

(c) omit Form 41.52C (form of notice of intention to pursue application or appeal under the Nationality, Immigration and Asylum Act 2002)(10).

(7) Rule 41.50 was substituted by [S.S.I. 2011/303](#).

(8) Rule 49.22 was substituted by [S.S.I. 2015/312](#).

(9) Form 41A.2 was inserted by [S.S.I. 2015/228](#).

(10) Form 41.52C was inserted by [S.S.I. 2007/283](#).