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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 468**

**Act of Sederunt (Sheriff Appeal Court Rules) 2021**

**PART 4**

**DISPOSAL OF AN APPEAL**

**CHAPTER 12**

**APPLICATIONS FOR PERMISSION TO APPEAL TO THE COURT OF SESSION**

**Application of this Chapter**

**12.1.** This Chapter applies where a party seeks the permission of the Court to appeal to the Court of Session against a decision of the Court constituting final judgment in civil proceedings under section 113 of the 2014 Act (appeal from the Sheriff Appeal Court to the Court of Session).

**Applications for permission to appeal**

**12.2.—(1)** An application to the Court for permission to appeal to the Court of Session is to be made in Form 12.2.

(2) Such an application must be lodged within 14 days after the date on which the Court gave its final judgment on the appeal.

(3) When an application is made, the Court must order the Clerk to either—

- (a) fix a hearing and intimate the time and date of that hearing to the parties to the appeal; or
- (b) intimate to parties that the application is to be considered on written submissions and specify the date by which such submissions are to be lodged.

(4) The application is, so far as reasonably practicable, to be considered by the Appeal Sheriff or Appeal Sheriffs who made the decision in respect of which permission to appeal is sought.

**Applications for leave to appeal**

**12.3.—(1)** In any appeal to which section 113(4) of the Courts Reform (Scotland) Act 2014 applies and leave to appeal is required, a motion seeking leave of the Court must be lodged within 14 days after the date on which the Court gave its final judgment on the appeal.

(2) When such a motion is lodged, the Court must order the Clerk to either—

- (a) fix a hearing and intimate the time and date of that hearing to the parties to the appeal; or
- (b) intimate to parties that the motion is to be considered on written submissions and specify the date by which such submissions are to be lodged.

(3) The motion is, so far as reasonably practicable, to be considered by the Appeal Sheriff or Appeal Sheriffs who made the decision in respect of which leave to appeal is sought.