
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 4

DISPOSAL OF AN APPEAL

CHAPTER 9

REFUSAL OF APPEAL DUE TO DELAY

Application to refuse appeal due to delay

9.1.—(1) Any party may apply to the procedural Appeal Sheriff to refuse the appeal if the conditions in paragraph (2) are met.

(2) The conditions are that—

(a) there has been an inordinate and inexcusable delay by—

(i) another party;

(ii) another party's solicitor, lay representative or other agent; and

(b) unfairness has resulted from that delay.

(3) An application is to be made by motion.

(4) That motion must specify the grounds on which refusal of the appeal is sought.

Determination of application to refuse appeal due to delay

9.2.—(1) The procedural Appeal Sheriff may refuse the appeal if the procedural Appeal Sheriff considers that—

(a) there has been an inordinate and inexcusable delay on the part of—

(i) any party;

(ii) any party's solicitor, lay representative or other agent; and

(b) such delay results in unfairness specific to the factual circumstances, including the procedural circumstances, of the appeal.

(2) The procedural Appeal Sheriff must take into account the procedural consequences of allowing the appeal to proceed for—

(a) the parties to the appeal;

(b) the efficient disposal of business in the Court.