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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 468**

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

**PART 5**

**INCIDENTAL PROCEDURE: STANDARD PROCEDURES**

**CHAPTER 15**

**MOTIONS LODGED BY OTHER MEANS**

**Intimation of motions by other means**

**15.1.**—(1) The lodging party must give intimation of that party's intention to lodge the motion, and of the terms of the motion, to every other party in Form 15.1.

(2) That intimation must be accompanied by a copy of any document referred to in the motion.

**Opposition to motions**

**15.2.**—(1) A receiving party may oppose a motion by lodging a notice of opposition in Form 15.2.

(2) Any notice of opposition must be lodged within 7 days after the date of intimation of the motion.

(3) The procedural Appeal Sheriff may, on the application of the lodging party, either—

- (a) vary the period of 7 days mentioned in paragraph (2); or
- (b) dispense with intimation on any party.

(4) An application mentioned in paragraph (3) must—

- (a) be included in the motion;
- (b) give reasons for varying the period or dispensing with intimation, as the case may be.

(5) The procedural Appeal Sheriff may allow a notice of opposition to be lodged late, on cause shown.

**Consent to motions**

**15.3.** Where a receiving party seeks to consent to a motion, that party may do so by lodging a notice to that effect.

**Lodging of motions**

**15.4.**—(1) The motion must be lodged by the lodging party within 5 days after the date of intimation of the motion, unless paragraph (3) applies.

(2) The lodging party must also lodge—

- (a) a certificate of intimation in Form 6.5-A;

(b) so far as practicable, any document referred to in the motion that has not already been lodged.

(3) Where the procedural Appeal Sheriff varies the period for lodging a notice of opposition to a period of 5 days or less, the motion must be lodged no later than the day on which that period expires.

#### **Joint motions**

**15.5.**—(1) A joint motion by all parties need not be intimated.

(2) Such a motion is to be lodged by any of the parties.

#### **Hearing of opposed motions**

**15.6.**—(1) Where a notice of opposition in Form 15.2 is lodged, the motion is to be heard by the procedural Appeal Sheriff on the first suitable court day after the lodging of the notice of opposition.

(2) The Clerk must intimate the date and time of the hearing to the parties.

#### **Modification of Chapter 5**

**15.7.** For the purposes of this Chapter, the following provisions in Chapter 5 do not apply—

(a) rule 5.6(1)(e);

(b) rule 5.7(2)(e).