



Sheriff Courts (Scotland) Act 1971

1971 CHAPTER 58

PART III

CIVIL JURISDICTION, PROCEDURE AND APPEALS

Summary causes

38 Appeal in summary causes.

In the case of ^{F1}—

- (a) any summary cause an appeal shall lie to the sheriff principal on any point of law from the final judgment of the sheriff; and
- (b) any summary cause ^{F2}... an appeal shall lie] to the Court of Session on any point of law from the final judgment of the sheriff principal, if the sheriff principal certifies the cause as suitable for such an appeal,

but save as aforesaid an interlocutor of the sheriff or the sheriff principal in any such cause shall not be subject to review.

Textual Amendments

- F1** Words substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\), s. 18\(4\)](#)
- F2** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 5 para. 6\(2\)](#); [S.S.I. 2015/77, art. 2\(2\)\(3\), sch.](#) (with art. 7); [S.S.I. 2015/247, art. 2, sch.](#) (with art. 9); [S.S.I. 2016/291, art. 2, sch.](#) (with art. 3(1)(2))

Modifications etc. (not altering text)

- C1** S. 38 excluded by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\), ss. 103\(1\), 108\(2\), Sch. 7 paras. 5, 9\(1\)](#)

Changes to legislation: *There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Section 38. (See end of Document for details)*

C2 S. 38 applied (with modifications) (1.1.2016) by [The Courts Reform \(Scotland\) Act 2014](#) (Commencement No. 5, Transitional and Saving Provisions) Order 2015 (S.S.I. 2015/378), arts. 1(1), 4

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