



Court of Session Act 1988

1988 CHAPTER 36

PART V

APPEAL AND REVIEW

Appeals to ^[F1]Supreme Court

[^{F1}40A Permission for appeal under section 40

- (1) An application to the Inner House for permission to take an appeal under section 40(1) or (3) must be made—
 - (a) within the period of 28 days beginning with the date of the decision against which the appeal is to be taken, or
 - (b) within such longer period as the Inner House considers equitable having regard to all the circumstances.
- (2) An application to the Supreme Court for permission to take an appeal under section 40(1) must be made—
 - (a) within the period of 28 days beginning with the date on which the Inner House refuses permission for the appeal, or
 - (b) within such longer period as the Supreme Court considers equitable having regard to all the circumstances.
- (3) The Inner House or the Supreme Court may grant permission for an appeal under section 40(1) or (3) only if the Inner House or, as the case may be, the Supreme Court considers that the appeal raises an arguable point of law of general public importance which ought to be considered by the Supreme Court at that time.]

Textual Amendments

- F1** Ss. 40, 40A substituted (22.9.2015) for s. 40 by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), **ss. 117, 138(2)**; [S.S.I. 2015/247](#), art. 2, Sch. (with art. 5(2)(3))

Changes to legislation:

Court of Session Act 1988, Section 40A is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) added by [2024 asp 1 s. 7\(13\)](#)