



Sheriff Courts (Scotland) Act 1907

1907 CHAPTER 51 7 Edw 7

APPEALS

27 Appeal to sheriff.

Subject to the provisions of this Act an appeal to the [^{F1}sheriff principal] shall be competent against all final judgments of the [^{F1}sheriff] and also against interlocutors—

- (A) Granting or refusing interdict, interim or final;
- (B) Granting interim decree for payment of money other than a decree for expenses, or making an order ad factum præstandum;
- (C) Sisting an action;
- (D) Allowing or refusing or limiting the mode of proof . . . ^{F2};
- (E) [^{F3}Refusing a reponing note; or
- (F) Against which the [^{F1}sheriff] either ex proprio motu or on the motion of any party grants leave to appeal;

Provided always that notwithstanding the death, resignation, or removal of a [^{F1}sheriff principal] appeals may be taken from the judgment of the [^{F1}sheriff], which appeals shall be heard by the succeeding [^{F1}sheriff principal] when he shall enter upon office.

[^{F3}It shall be competent for the [^{F1}sheriff principal]. when the action is before him on appeal on any point, to open the record ex proprio motu, if the record shall appear to him not to have been properly made up, or to allow further proof.]

Textual Amendments

- F1** Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4
- F2** Words repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 36:3, 72:2) ss. 11, 28(2), Sch. 3
- F3** Words inserted by Sheriff Courts (Scotland) Act 1913 (2 & 3 Geo. 5 c. 28), Sch. 1

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations.