

STATUTORY INSTRUMENTS

1981 No. 1591 (S. 168)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Statutory Appeals) 1981

Made - - - 3rd November 1981*Coming into Operation* 5th January 1982

The Lords of Council and Session under and by virtue of the powers conferred upon them by section 32 of the Sheriff Courts (Scotland) Act 1971(a) and of all other powers enabling them in that behalf, and after consultation with the Sheriff Court Rules Council, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Statutory Appeals) 1981 and shall come into operation on 5th January 1982.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Time Limits

2.—(1) All statutory appeals and applications of the nature of appeals to the Sheriff (other than appeals under section 27 of the Sheriff Courts (Scotland) Act 1907(b) and section 38 of the Sheriff Courts (Scotland) Act 1971(c)) against a decision of a Minister, a Department, statutory tribunal, referee or authority shall be taken within such time as may be prescribed by statutory enactment under which the appeal is presented, or, if no time is prescribed, not later than 21 days after the date on which the decision, order, scheme, determination, refusal, or other act of the authority or person complained of was intimated to the appellant.

(2) On special cause shown the Sheriff may in his discretion hear an appeal to which this paragraph applies notwithstanding that it was not lodged within the time prescribed in sub-paragraph (1) of this paragraph.

Method of Appeal

3. Unless otherwise provided by statutory enactment an appeal or application under sub-paragraph (1) of paragraph 2 shall be made by initial writ under the Sheriff Courts (Scotland) Acts 1907 and 1913(d) and shall be disposed of as a summary application as defined in those Acts.

Edinburgh.

3rd November 1981.

Emslie,
Lord President
I.P.D.

(a) 1971 c. 58.

(d) 1913 (2 & 3 Geo. 5) c. 28.

(b) 1907 c. 51.

(c) 1971 c. 58.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt)

This Act of Sederunt prescribes the time limit to apply to statutory appeals to the Sheriff where the particular statute does not so prescribe and the manner in which all such statutory appeals to the Sheriff shall be taken.

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