
STATUTORY INSTRUMENTS

1997 No. 2692

Act of Sederunt (Rules of the Court of Session Amendment No.8) (Early Disposal of Reclaiming Motions and Appeals) 1997

Early disposal of appeals from inferior courts

4.—(1) Chapter 40 of those Rules shall be amended as follows.

(2) After rule 40.7 insert—

“Required application for early disposal of appeal against interlocutor other than final judgment

40.7A. On lodging an appeal print under rule 40.7(2)(a)(ii) in respect of an appeal marked against an interlocutor of an inferior court in a case where the interlocutor is not a final judgment, the appellant shall make application under rule 40.11(1)(a) for early disposal of the appeal.”

(3) In rule 40.9(1) (appeals deemed abandoned), in sub-paragraph (b), at the end add—

“which, in a case where rule 40.7A is applicable, shall mean the requirements of rule 40.7(2) as read with rules 40.7A and 40.11(1)(a)”.

(4) In rule 40.11 (early disposal of appeal)—

(a) in paragraph (1)—

(i) after the words “an appeal” insert “(in the case of the appellant, whether or not by virtue of rule 40.7A)”; and

(ii) at the end of sub-paragraph (a) (but before the word “; or” which immediately follows that sub-paragraph) insert “, specifying in the motion whether he seeks disposal on the Summar Roll or in the Single Bills”; and

(b) for paragraphs (2) to (4) substitute—

“(2) The entry in the rolls in respect of the motion for early disposal shall be starred; and the parties shall, at the hearing of that motion, provide the Inner House with an assessment of the likely duration of the hearing to determine the appeal.

(3) At the hearing of the motion for early disposal, the Inner House may—

(a) appoint the cause to the Summar Roll for hearing; or

(b) direct that the cause be heard in the Single Bills,

and may make such order as to the lodging of grounds of appeal as it thinks fit.

(4) At any hearing of the appeal in the Single Bills, the Inner House may determine the appeal or make such other order as it thinks fit.”

(5) In rule 40.17 (lodging of appendices), after paragraph (4) add—

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“(5) In a case where early disposal is sought by virtue of rule 40.7A, the Inner House may, on the application by motion of the appellant, determine that paragraphs (1) to (4) shall not apply or shall apply subject to such modifications as it considers appropriate.”.