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STATUTORY INSTRUMENTS

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**1988 No. 110**

**Act of Adjournal (Consolidation) 1988**

CHAPTER 2

SUMMARY PROCEDURE

PART IV

APPEAL PROCEDURE

*Duties of Solicitors*

**Edinburgh solicitor**

**135.**—(1) Where an appellant in any appeal is represented by a solicitor who does not practise in Edinburgh, that solicitor shall appoint a solicitor who practises in Edinburgh (“Edinburgh solicitor”, to carry out the duties of solicitor to the appellant in relation to that appeal.

(2) In paragraph (1), “appeal” includes any appeal whether by way of stated case, note of appeal, or Bill of Suspension or Advocation.

(3) The Edinburgh solicitor so appointed or if unrepresented, the appellant or complainer, shall enter appearance and comply with the provisions of section 448(4)(1) (intimation of stated case to respondent and lodging with Clerk of Justiciary together with certificate of intimation).

**Duty to print stated case, etc.**

**136.**—(1) The Edinburgh solicitor (or, if unrepresented, the appellant or complainer) shall—

- (a) have printed the complaint, minutes of proceedings, and stated case or Bill;
- (b) not later than 7 days before the hearing, return the process to the Clerk of Justiciary;
- (c) provide copies of the print to—
  - (i) the Clerk of Justiciary, and
  - (ii) the Edinburgh solicitor for the respondent.

(2) If the Edinburgh solicitor or the appellant or complainer, as the case may be, cannot comply with any of the requirements of paragraph (1), he shall, not later than 7 days before the hearing, so inform the Clerk of Justiciary with reasons.

(3) On being so informed the Clerk of Justiciary may in his discretion postpone the hearing by dropping the appeal from the Justiciary Roll.

(4) If he does not do so, the Court may at the hearing allow the appeal to be dropped from the Roll, or may dismiss the appeal.

### **List of appeals**

**137.**—(1) The Clerk of Justiciary shall, after consultation with the Lord Justice General or Lord Justice Clerk, issue a list of appeals with the respective dates of hearing on the Justiciary Roll.

(2) He shall give the respective Edinburgh solicitors representing appellants whose appeal is so listed at least 14 days notice of the date fixed for the hearing of the appeal.

### **Duty of Edinburgh solicitor in Bills of Suspension**

**138.**—(1) This rule and rules 134 to 136 apply to Bills of Suspension and of Suspension and Liberation.

(2) An Edinburgh solicitor who requests a first deliverance shall comply with the requirements of rule 136(1) and (2) whether or not he is so nominated for the purposes of legal aid.

(3) The Clerk of Justiciary shall in appropriate cases inform such a solicitor who has not been so nominated of the requirements of the rules where appropriate.

### **Diet for interim suspension**

**139.** Where a Bill contains a prayer for *interim* suspension of any order or for *interim* liberation, the judge before whom the Bill is laid for a first deliverance shall assign a diet at which counsel for the parties may be heard on the *interim* prayer; and the Clerk of Justiciary shall forthwith give notice of that diet to the parties.