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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 419**

**Act of Sederunt (Rules of the Court of Session,  
Sheriff Appeal Court Rules and Sheriff Court  
Rules Amendment) (Sheriff Appeal Court) 2015**

**Amendment of the Rules of the Court of Session 1994**

7.—(1) The Rules of the Court of Session 1994<sup>(1)</sup> are amended in accordance with this paragraph.

(2) In rule 3.2(2)(b) (General Department), after “sheriff court” insert “and the Sheriff Appeal Court”.

(3) In rule 40.1(2) (application and interpretation of this Chapter)<sup>(2)</sup>, for subparagraph (c) substitute—

“(c) inferior court means—

(i) the Lyon Court;

(ii) the Sheriff Appeal Court, in respect of an appeal under section 113(1) of the Act of 2014 or section 38(b) of the Sheriff Courts (Scotland) Act 1971<sup>(3)</sup>;

(iii) the sheriff principal, in respect of an appeal under section 114(1) of the Act of 2014;

(d) any reference to leave to appeal includes permission to appeal in terms of section 113(1) of the Act of 2014.”.

(4) In rule 40.21 (referral to family mediation in appeals from the sheriff court)<sup>(4)</sup>—

(a) for “sheriff court” substitute “Sheriff Appeal Court”;

(b) the heading of the rule becomes “Referral to family mediation in appeals from the Sheriff Appeal Court”.

(5) In rule 41.1 (application and interpretation of this Chapter)<sup>(5)</sup>, for paragraph (1) substitute—

“(1) This Chapter applies to an appeal from any decision of a tribunal, unless one of the following Chapters applies—

(a) Chapter 38 (reclaiming);

(b) Chapter 39 (applications for new trial or to enter jury verdicts);

(c) Chapter 40 (appeals from inferior courts).”.

(6) In rule 41.37 (lodging of reports and statements with sheriff)<sup>(6)</sup>—

(a) in paragraph (1)(a)—

(i) for “(or as the case may be to the sheriff principal)” substitute “or the Sheriff Appeal Court”;

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<sup>(1)</sup> The Rules of the Court of Session 1994 are in Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2015/408).

<sup>(2)</sup> Rule 40.1 was substituted by S.S.I. 2010/30.

<sup>(3)</sup> 1971 c. 58. Section 38(b) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), section 18.

<sup>(4)</sup> Rule 40.21 was substituted by S.S.I. 2010/30.

<sup>(5)</sup> Rule 41.1 was substituted by S.S.I. 2011/303.

<sup>(6)</sup> Rule 41.37 was substituted by S.S.I. 2011/303 and amended by S.S.I. 2013/162.

- (ii) for “him or her” substitute “the sheriff or the Sheriff Appeal Court”;
- (b) in paragraph (2)—
  - (i) for “(or sheriff principal)” substitute “or the Sheriff Appeal Court”;
  - (ii) after “sheriff clerk” in both places where it occurs, insert “or the Clerk of the Sheriff Appeal Court”.
- (7) In rule 41.52(4) (appeals to be heard in the Outer House)(7), after subparagraph (f) insert—
  - “(fa) an appeal from the Sheriff Appeal Court;”.
- (8) In rule 70.1 (interpretation of this Chapter), in the definition of “relevant authority”—
  - (a) after “a sheriff court,” insert “the Sheriff Appeal Court;”;
  - (b) for “Part III of the Social Work (Scotland) Act 1968” substitute “the Children’s Hearings (Scotland) Act 2011(8)”.

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(7) Rule 41.52 was substituted by [S.S.I. 2011/303](#) and last amended by [S.S.I. 2014/201](#).

(8) [2011 asp 1](#).