
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 7

SPECIAL APPEAL PROCEEDINGS

CHAPTER 29

APPLICATION FOR NEW JURY TRIAL OR TO ENTER JURY VERDICT

Application for new trial: restrictions

29.3.—(1) An application for a new trial which specifies the ground in section 69(2)(a) of the 2014 Act (misdirection by sheriff) may not be made unless the procedure in rule 36B.8 of the Ordinary Cause Rules 1993 (exceptions to sheriff’s charge)(1) has been complied with.

(2) An application for a new trial which specifies the ground in section 69(2)(b) of the 2014 Act (undue admission or rejection of evidence) may not be made unless objection was taken to the admission or rejection of evidence at the trial and recorded in the notes of evidence under the direction of the sheriff presiding at the trial.

(3) An application for a new trial which specifies the ground in section 69(2)(c) of the 2014 Act (verdict contrary to evidence) may not be made unless it sets out in brief specific numbered propositions the reasons the verdict is said to be contrary to the evidence.

Commencement Information

II Para. 29.3 in force at 6.1.2022, see [para. 1.1\(2\)](#)

(1) The Ordinary Cause Rules 1993 are in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c.51). Rule 36B.8 was inserted by S.S.I. 2015/227, and is prospectively repealed by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 4(h).

Status:

Point in time view as at 06/01/2022.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Act of Sederunt (Sheriff Appeal Court Rules) 2021. Any changes that have already been made by the team appear in the content and are referenced with annotations.