

**2008 No. 41**

**SHERIFF COURT**

**Act of Sederunt (Summary Applications, Statutory Applications  
and Appeals etc. Rules) Amendment (Registration Appeals)  
2008**

*Made* - - - - *14th February 2008*

*Coming into force* - - *17th March 2008*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(a), and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of that Act, do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Registration Appeals) 2008 and shall come into force on 17th March 2008.

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

**Amendment of Summary Application Rules**

2.—(1) Part XI of the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(b) (Representation of the People Act 1983) is amended in accordance with the following sub-paragraphs.

(2) In rule 3.11.1 (interpretation and application)—

(a) in paragraph (1), for “rule 3.11.2” substitute “rules 3.11.2, 3.11.22 and 3.11.23”;

(b) for paragraph (2) substitute—

“(2) In this Part—

(a) rules 3.11.2 to 3.11.21 apply to election petitions under the Act; and

(b) rules 3.11.22 to 3.11.24 apply to registration appeals under section 56 of the Act where the appellant is a person—

(i) whose entry in the register is an anonymous entry; or

(ii) who has applied for such an entry.”.

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(a) 1971 c.58. Section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c.32), section 2(4), the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 13 and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43 and was extended by the Child Support Act 1991 (c.48), sections 39(2) and 49 and the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(2).

(b) S.I. 1999/929, amended by S.S.I. 2000/148 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, 2003/26, 27, 98, 261, 319, 346 and 556, 2004/197, 222, 334 and 455, 2005/61, 473, 504 and 648, 2006/410, 437 and 509 and 2007/6, 233, 339, 440 and 463 and 2008/9.

(3) After rule 3.11.21 insert—

**“Application for serial number**

**3.11.22.**—(1) Where a person desiring to appeal wishes to prevent his identity being disclosed he may, before lodging the appeal, apply to the sheriff clerk for a serial number to be assigned to him for all purposes connected with the appeal.

(2) On receipt of an application for a serial number, the sheriff clerk shall assign such a number to the applicant and shall enter a note of it opposite the name of the applicant in the register of such serial numbers.

(3) The contents of the register of serial numbers and the names of the persons to whom each number relates shall be treated as confidential by the sheriff clerk and shall not be disclosed to any person other than—

- (a) the sheriff;
- (b) the registration officer whose decision or determination is the subject of the appeal.

(4) In this rule and in rule 3.11.23 “sheriff clerk” means the sheriff clerk of the sheriff court district in which the appeal is or is to be raised.

**Confidentiality**

**3.11.23.** Unless the sheriff otherwise directs, all documents lodged in process of an appeal to which this rule applies are to be available only to the sheriff and the parties; and such documents are to be treated as confidential by all persons involved in, or party to, the proceedings and by the sheriff clerk.

**Hearing**

**3.11.24.** The hearing of an appeal to which this rule applies is to be in private.”.

*A C Hamilton*  
Lord President  
I.P.D.

Edinburgh  
14th February 2008

## **EXPLANATORY NOTE**

*(This note is not part of the Act of Sederunt)*

This Act of Sederunt amends Part XI of the Summary Application Rules in consequence of amendments made to the Representation of the People Act 1983 by the Electoral Administration Act 2006.

In particular, it inserts new rules 3.11.22 to 3.11.24 into the Summary Application Rules which make provision to prevent the disclosure of the identity of the appellant in a registration appeal where that appellant has an anonymous entry in the register or has applied for such an entry.

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