
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 356

Act of Sederunt (Sheriff Appeal Court Rules) 2015

PART 5

INCIDENTAL PROCEDURE: STANDARD PROCEDURES

CHAPTER 13

MOTIONS LODGED BY EMAIL

Intimation of motions by email

13.1.—(1) The lodging party must give intimation of that party's intention to lodge the motion, and of the terms of the motion, to every other party by sending an email in Form 13.1 (form of motion by email) to the addresses of every party.

(2) The requirement under paragraph (1) to give intimation of a motion to a party by email does not apply where that party—

- (a) has not lodged answers within the period of notice for lodging those answers;
- (b) has withdrawn or is deemed to have withdrawn those answers; or
- (c) became a party to the appeal by minute, but has withdrawn or is deemed to have withdrawn that minute.

(3) A motion intimated under this rule must be intimated not later than 1700 hours on a court day.

Opposition to motions

13.2.—(1) A receiving party must intimate any opposition to a motion by sending an email in Form 13.2 (form of opposition to motion by email) to the address of the lodging party.

(2) Any opposition to a motion must be intimated to the lodging party not later than 1700 hours on court day 3.

(3) Late opposition to a motion must be sent to the address of the Court and may only be allowed with the leave of the procedural Appeal Sheriff, on cause shown.

Consent to motions

13.3. Where a receiving party seeks to consent to a motion, that party may do so by sending an email confirming the consent to the address of the lodging party.

Lodging unopposed motions

13.4.—(1) This rule applies where no opposition to a motion has been intimated.

(2) The motion must be lodged by the lodging party not later than 1230 hours on court day 4 by sending an email in Form 13.1 headed "Unopposed motion" to the address of the court.

(3) That motion is to be determined by 5 p.m. on court day 4.

(4) Where for any reason it is not possible for that motion to be determined in accordance with paragraph (3), the Clerk must advise the parties of that fact and give reasons.

Lodging opposed motions by email

13.5.—(1) This rule applies where opposition to a motion has been intimated.

(2) The motion must be lodged by the lodging party not later than 1230 hours on court day 4 by—

- (a) sending an email in Form 13.1 headed “Opposed motion”, to the address of the court;
- (b) attaching to that email the opposition in Form 13.2 intimated by the receiving party to the lodging party.

(3) That motion is to be heard by the procedural Appeal Sheriff on the first suitable court day after court day 4.

(4) The Clerk must intimate the date and time of the hearing to the parties.

Variation of periods of intimation

13.6. Where—

- (a) every receiving party in an appeal consents to a shorter period of intimation; or
- (b) the Court shortens the period of intimation,

the motion may be lodged by the lodging party, or heard or otherwise determined by the Court at an earlier time and date than that which is specified in this Chapter.