

## SCHEDULE 1

Rule 1.4

### ADMINISTRATIVE PROVISIONS

#### **Quorum of the Court**

1.—(1) The quorum of the Court for the types of business specified in subparagraph (3) is one Appeal Sheriff.

(2) The quorum of the Court for any other business is three Appeal Sheriffs.

(3) The types of business are—

- (a) disposing of an application for leave to receive an appeal out of time under rule 6.4(2);
- (b) disposing of an application to abandon an appeal under rule 9.1;
- (c) disposing of an application for permission to appeal to the Court of Session under rule 11.2(1), where the decision in respect of which permission to appeal is sought was made by one Appeal Sheriff;
- (d) a peremptory hearing under rule 17.4;
- (e) disposing of an application to ordain a party to lodge an account of expenses under rule 19.3(2);
- (f) disposing of an application to allow a devolution issue to be raised after the note of appeal has been lodged or answers to the note of appeal have been lodged under rule 20.2(3);
- (g) a hearing fixed under Chapter 27 (accelerated appeal procedure);
- (h) a hearing fixed under Chapter 29 (appeals from summary causes and small claims);
- (i) disposing of an application for authority to address the Court in Gaelic or to give oral evidence in Gaelic under paragraph 6 of this Schedule;
- (j) any business where the Rules provide for that business to be disposed of by the procedural Appeal Sheriff.

#### **Procedural Appeal Sheriff**

2.—(1) Every Appeal Sheriff is a procedural Appeal Sheriff.

(2) Where the Court considers it appropriate to do so, the Court may dispose of any business where the Rules provide for that business to be disposed of by the procedural Appeal Sheriff.

#### **Signature of interlocutors etc.**

3.—(1) Any order made by the Court under these Rules is to be contained in an interlocutor.

(2) An interlocutor is to be signed in accordance with subparagraphs (3) to (5).

(3) Where the Court is constituted by more than one Appeal Sheriff when an order is made, the interlocutor is to be signed by—

- (a) the Appeal Sheriff who presided over the Court when the order was made; or
- (b) in the event of the death, disability or absence of that Appeal Sheriff, the next senior Appeal Sheriff who sat on that occasion, after such consultation with the other Appeal Sheriffs who sat as may be necessary.

(4) Where the Court is constituted by one Appeal Sheriff, the interlocutor is to be signed by that Appeal Sheriff.

(5) Where the Clerk determines an unopposed motion in writing in accordance with rule 12.7(1), the interlocutor is to be signed by the Clerk unless the procedural Appeal Sheriff directs otherwise.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(6) An interlocutor signed in accordance with subparagraph (5) is to be treated for all purposes as if it had been signed by an Appeal Sheriff.

(7) An extract of an interlocutor which is not signed in accordance with the provisions of this rule is void and has no effect.

(8) An interlocutor may, on cause shown, be corrected or altered at any time before extract by—

- (a) the Appeal Sheriff who signed it;
- (b) in the event of the death, disability or absence of that Appeal Sheriff, by any other Appeal Sheriff;
- (c) where the interlocutor was signed in accordance with subparagraph (5), by any Appeal Sheriff.

### **Form of process**

4.—(1) A process must include the following steps of process—

- (a) an interlocutor file;
- (b) a motion file;
- (c) a minute of proceedings;
- (d) an inventory of process.

(2) Any document lodged with the Clerk is to be placed in the process.

### **Decrees, extracts and execution**

5.—(1) In this paragraph, “decree” includes any order or interlocutor which may be extracted.

(2) A decree may be extracted at any time after whichever is the later of—

- (a) the expiry of the period within which an application for leave to appeal may be made, if no such application is made;
- (b) the date on which leave to appeal is refused, if there is no right to appeal from that decision;
- (c) the expiry of the period within which an appeal may be made, if no such appeal is made;
- (d) the date on which an appeal is finally disposed of.

(3) A party may apply by motion to the procedural Appeal Sheriff to allow an extract to be issued earlier than a date referred to in subparagraph (2).

(4) Nothing in this paragraph affects the power of the Court to supersede extract.

(5) Where execution may follow on an extract decree, the decree is to include the warrant for execution specified in subparagraph (6).

(6) That warrant is “This extract is warrant for all lawful execution hereon”.

### **Use of Gaelic**

6.—(1) This paragraph applies where the use of Gaelic by a party has been authorised by the sheriff in the proceedings out of which an appeal arises.

(2) That party may apply by motion for authority to address the Court in Gaelic at—

- (a) an appeal hearing fixed under rule 7.14(3)(a); or
- (b) a hearing under rule 29.4.

(3) Where proof or additional proof is ordered in accordance with rule 23.1 (taking proof in the course of an appeal) and that party wishes to give oral evidence in Gaelic, the party may apply by motion for authority to do so.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) Where the Court grants authority under paragraph (2) or (3), an interpreter is to be provided by the Court.