
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 1

PRELIMINARY MATTERS

CHAPTER 1

CITATION, COMMENCEMENT AND APPLICATION ETC.

Citation and commencement, etc.

1.1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Appeal Court Rules) 2021.

(2) It comes into force on 6th January 2022.

(3) A certified copy is to be inserted in the Books of Sederunt.

Application

1.2. These Rules apply to any appeal or application made under chapters 6 and 29 to 33 of these Rules.

Interpretation

1.3.—(1) In this Act of Sederunt—

“the 2014 Act” means the Courts Reform (Scotland) Act 2014;

“advocate” means a practising member of the Faculty of Advocates;

“Chapter 7 procedure” has the meaning given by rule 7.1;

“Chapter 8 procedure” has the meaning given by rule 8.1;

“the Clerk” means the Clerk of the Sheriff Appeal Court;

“the Court” means the Sheriff Appeal Court;

“grounds of appeal” is to be construed in accordance with rule 6.2(2)(b);

“party litigant” has the meaning given by rule 4.1;

“procedural Appeal Sheriff” has the meaning given by paragraph 2(1) of schedule 1;

“procedural hearing” means a hearing under rule 7.9 or rule 29.13;

“sheriff court process” means—

(a) the sheriff court process for the cause that is appealed to the Court; or

(b) where the cause is recorded in an official book of the sheriff court, a copy of the record in that book certified by the sheriff clerk;

“sheriff’s note” means a note setting out the reasons for the decision appealed against;

“solicitor” means a person qualified to practise as a solicitor under section 4 of the Solicitors (Scotland) Act 1980(1);

“timetable” means a timetable in—

(a) Form 7.2 issued under—

- (i) rule 6.12(5)(a);
- (ii) rule 7.2(1); or
- (iii) rule 7.3(4)(b); or

(b) Form 29.5 issued under—

- (i) rule 29.5(1);
- (ii) rule 29.6(6)(a); or
- (iii) rule 29.6(7)(b).

(2) In relation to an application under section 69(1) or 71(2) of the 2014 Act—

“appeal” includes that application;

“appellant” includes the applicant;

“note of appeal” includes an application in Form 29.2 or Form 29.14.

Computation of periods of time

1.4. If any period of time specified in these Rules expires on a Saturday, Sunday or public or court holiday, it is extended to expire on the next day that the office of the Clerk is open for civil business.

Administrative provisions

1.5. Schedule 1 makes provision about administrative arrangements for the Court, including its quorum.

Forms

1.6.—(1) Where there is a reference in these Rules to a form, it is a reference to that form in schedule 2.

(2) Where these Rules require a form to be used, that form may be varied where the circumstances require it.