

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 2

GENERAL PROVISIONS

CHAPTER 3

SANCTIONS FOR FAILURE TO COMPLY

Circumstances where a party is in default

3.1. A party is in default if that party fails—

- (a) to comply with the timetable;
- (b) to implement an order of the Court within the period specified in the order;
- (c) to appear or be represented at any hearing; or
- (d) otherwise to comply with any requirement imposed on that party by these Rules.

Commencement Information

I1 Para. 3.1 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Sanctions where a party is in default

3.2.—(1) This rule—

- (a) applies where a party is in default;
 - (b) but does not apply where a party is in default because the party has failed to comply with rule 18.4(1).
- (2) The Court may make any order to secure the expeditious disposal of the appeal.
- (3) In particular, the Court may either—
- (a) refuse the appeal, where the party in default is the appellant; or
 - (b) allow the appeal, if the condition in paragraph (4) is satisfied, where either—
 - (i) the party in default is the sole respondent; or
 - (ii) every respondent is in default.
- (4) The condition is that the appellant must show cause why the appeal should be allowed.

Commencement Information

I2 Para. 3.2 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Act of Sederunt (Sheriff Appeal Court Rules) 2021, CHAPTER 3.