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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 468**

**Act of Sederunt (Sheriff Appeal Court Rules) 2021**

**PART 2**

**GENERAL PROVISIONS**

**CHAPTER 5**

**INTIMATION AND LODGING ETC.**

**Interpretation of this Chapter**

**5.1.—(1)** In this Chapter—

“first class post” means a postal service which seeks to deliver documents or other things by post no later than the next working day in all or the majority of cases;

“intimating party” means any party who has to give intimation in accordance with rule 5.2(1);

“receiving party” means any party to whom intimation is to be given in accordance with rule 5.2;

“recorded delivery” means a postal service which provides for the delivery of documents or other things by post to be recorded.

**(2)** Where this Chapter authorises intimation to be given by electronic means—

(a) intimation may only be given by this method if the intimating party and the solicitor for the receiving party have notified the Court that they will accept intimation by electronic means at a specified email address;

(b) the intimation is to be sent to the specified email address of the solicitor for the receiving party.

**(3)** Where this Chapter authorises a document to be lodged by electronic means, it must be sent to the email address of the Court.

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**Commencement Information**

**II** Para. 5.1 in force at 6.1.2022, see [para. 1.1\(2\)](#)

**Intimation**

**5.2.—(1)** Unless the Court orders otherwise, where—

(a) any provision in these Rules requires a party to—

(i) lodge any document;

(ii) intimate any other matter; or

(b) the Court orders a party to intimate something,

intimation must be given to every other party.

(2) Where intimation relates to the lodging of a document, a copy of that document must be provided at the same time as intimation is made.

(3) Where the Court makes an order, the Clerk is to intimate the order to every party.

**Commencement Information**

**I2** Para. 5.2 in force at 6.1.2022, see [para. 1.1\(2\)](#)

**Methods of intimation**

**5.3.—**(1) Intimation may be given to a receiving party who is a party litigant by—

- (a) the method specified in rule 5.4;
- (b) any of the methods specified in rule 5.5.

(2) Intimation may be given to a receiving party who is represented by a solicitor by—

- (a) the method specified in rule 5.4;
- (b) any of the methods specified in rule 5.5;
- (c) any of the methods specified in rule 5.6.

**Commencement Information**

**I3** Para. 5.3 in force at 6.1.2022, see [para. 1.1\(2\)](#)

**Methods of intimation: recorded delivery**

**5.4.** An intimating party may give intimation by recorded delivery to the receiving party.

**Commencement Information**

**I4** Para. 5.4 in force at 6.1.2022, see [para. 1.1\(2\)](#)

**Methods of intimation: by sheriff officer**

**5.5.—**(1) A sheriff officer may give intimation on behalf of an intimating party by—

- (a) delivering it personally to the receiving party; or
- (b) leaving it in the hands of—
  - (i) a resident at the receiving party’s dwelling place; or
  - (ii) an employee at the receiving party’s place of business.

(2) Where a sheriff officer has been unsuccessful in giving intimation in accordance with paragraph (1), the sheriff officer may give intimation by—

- (a) depositing it in the receiving party’s dwelling place or place of business; or
- (b) leaving it at the receiving party’s dwelling place or place of business in such a way that it is likely to come to the attention of that party.

**Commencement Information**

**I5** Para. 5.5 in force at 6.1.2022, see [para. 1.1\(2\)](#)

**Additional methods of intimation where receiving party represented by solicitor**

**5.6.—(1)** An intimating party may give intimation to the solicitor for the receiving party by—

- (a) delivering it personally to the solicitor;
- (b) delivering it to a document exchange of which the solicitor is a member;
- (c) first class post;
- (d) fax;
- (e) electronic means.

(2) Where intimation is given by the method in paragraph (1)(a), (d) or (e) no later than 1700 hours on any day, the date of intimation is that day.

(3) Where intimation is given by the method in—

- (a) paragraph (1)(b) or (c); or
- (b) paragraph (1)(a), (d) or (e) after 1700 hours on any day,

the date of intimation is the next day.

**Commencement Information**

**I6** Para. 5.6 in force at 6.1.2022, see [para. 1.1\(2\)](#)

**Lodging**

**5.7.—(1)** Where any provision in these Rules requires a party to lodge a document, it is to be lodged with the Clerk.

(2) A document may be lodged by—

- (a) delivering it personally to the office of the Clerk;
- (b) delivering it to a document exchange of which the Clerk is a member;
- (c) first class post;
- (d) fax;
- (e) electronic means, provided that parties have provided an email address in terms of rule 13.5.

**Commencement Information**

**I7** Para. 5.7 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 5.