
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 5

INCIDENTAL PROCEDURE: STANDARD PROCEDURES

CHAPTER 15

MOTIONS LODGED BY OTHER MEANS

Intimation of motions by other means

15.1.—(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 in Form 15.1.

(2) That intimation must be accompanied by a copy of any document referred to in the motion.

Commencement Information

I1 Para. 15.1 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Opposition to motions

15.2.—(1) A receiving party may oppose a motion by lodging a notice of opposition in Form 15.2.

(2) Any notice of opposition must be lodged within 7 days after the date of intimation of the motion.

(3) The procedural Appeal Sheriff may, on the application of the lodging party, either—

- (a) vary the period of 7 days mentioned in paragraph (2); or
- (b) dispense with intimation on any party.

(4) An application mentioned in paragraph (3) must—

- (a) be included in the motion;
- (b) give reasons for varying the period or dispensing with intimation, as the case may be.

(5) The procedural Appeal Sheriff may allow a notice of opposition to be lodged late, on cause shown.

Commencement Information

I2 Para. 15.2 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Consent to motions

15.3. Where a receiving party seeks to consent to a motion, that party may do so by lodging a notice to that effect.

Commencement Information

I3 Para. 15.3 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Lodging of motions

15.4.—(1) The motion must be lodged by the lodging party within 5 days after the date of intimation of the motion, unless paragraph (3) applies.

(2) The lodging party must also lodge—

- (a) a certificate of intimation in Form 6.5-A;
- (b) so far as practicable, any document referred to in the motion that has not already been lodged.

(3) Where the procedural Appeal Sheriff varies the period for lodging a notice of opposition to a period of 5 days or less, the motion must be lodged no later than the day on which that period expires.

Commencement Information

I4 Para. 15.4 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Joint motions

15.5.—(1) A joint motion by all parties need not be intimated.

(2) Such a motion is to be lodged by any of the parties.

Commencement Information

I5 Para. 15.5 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Hearing of opposed motions

15.6.—(1) Where a notice of opposition in Form 15.2 is lodged, the motion is to be heard by the procedural Appeal Sheriff on the first suitable court day after the lodging of the notice of opposition.

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

Commencement Information

I6 Para. 15.6 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Modification of Chapter 5

15.7. For the purposes of this Chapter, the following provisions in Chapter 5 do not apply—

- (a) rule 5.6(1)(e);
- (b) rule 5.7(2)(e).

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Commencement Information

I7 Para. 15.7 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 15.