
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 5

INCIDENTAL PROCEDURE: STANDARD PROCEDURES

CHAPTER 17

AMENDMENT OF PLEADINGS

Amendment of sheriff court pleadings

17.1.—(1) Any party to an appeal may apply by motion to amend the pleadings in the sheriff court process.

(2) A party seeking to amend must lodge a minute of amendment setting out the proposed amendment and, at the same time, lodge a motion to allow—

- (a) the minute of amendment to be received;
- (b) any other person to lodge answers, if so advised, within a specified period.

(3) Where the procedural Appeal Sheriff makes an order allowing a minute of amendment to be received and answered, the procedural Appeal Sheriff may—

- (a) allow a period of adjustment of the minute of amendment and answers; and
- (b) fix a hearing on the minute of amendment and answers as adjusted.

(4) Each party must, no later than 2 days before the hearing fixed under paragraph (3)(b), lodge a copy of their minute of amendment or answers with any adjustments made thereto in italic or bold type, or underlined.

(5) The procedural Appeal Sheriff may make such order in relation to expenses, and may impose such conditions, as the procedural Appeal Sheriff thinks fit.

(6) Where the procedural Appeal Sheriff—

- (a) allows an amendment to the pleadings in the sheriff court process; and
- (b) considers that the amendment makes a material change to the pleadings,

the procedural Appeal Sheriff may recall the decision appealed against and remit the matter to the sheriff for a further hearing.

Commencement Information

II Para. 17.1 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Amendment of note of appeal and answers etc.

17.2.—(1) A party who has lodged a document specified in paragraph (2) may apply by motion to amend that document.

- (2) The documents are—
 - (a) a note of appeal;
 - (b) answers to a note of appeal;
 - (c) grounds of appeal in a cross-appeal;
 - (d) answers to grounds of appeal in a cross-appeal.
- (3) Such a motion must include the text of the proposed amendment.
- (4) An application under paragraph (1) must be accompanied by an application to vary the timetable under rule 7.3(1) or rule 29.6(1)(c) if such an application is necessary.

Commencement Information

I2 Para. 17.2 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 17.