
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 7

SPECIAL APPEAL PROCEEDINGS

CHAPTER 30

APPEALS FROM SUMMARY CAUSES

Application of this Chapter

30.1. This Chapter applies to an appeal under section 38 of the Sheriff Courts (Scotland) Act 1971 (appeal in summary causes)(1) arising from the decision of a sheriff in proceedings under the Summary Cause Rules 2002(2).

Commencement Information

I1 Para. 30.1 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Transmission of appeal

30.2.—(1) Within 4 days after the sheriff has signed the stated case, the sheriff clerk must—

- (a) send the parties a copy of the stated case;
- (b) transmit to the Clerk—
 - (i) the stated case;
 - (ii) all documents and productions in the case.

(2) On receipt of the stated case, the Clerk must fix a hearing and intimate the date, time and place of that hearing to the parties.

Commencement Information

I2 Para. 30.2 in force at 6.1.2022, see [para. 1.1\(2\)](#)

(1) [1971 c.58](#). Section 38 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act [1985 \(c.73\)](#), section 18(4). It was also partly repealed by the Courts Reform (Scotland) Act [2014 \(asp 18\)](#), schedule 5(1), paragraph 6(2) which has effect subject to transitional provision specified in [S.S.I. 2016/291](#).

(2) The Summary Cause Rules 2002 are in Schedule 1 to the Act of Sederunt (Summary Cause Rules) 2002 ([S.S.I. 2002/132](#), last amended by [S.S.I. 2021/226](#)).

Transmission of appeal: time to pay direction

30.3.—(1) Within 4 days after the sheriff states in writing the reasons for the sheriff’s original decision in accordance with rule 25.4(4) of the Summary Cause Rules 2002 (appeal in relation to time to pay direction), the sheriff clerk must transmit to the Clerk—

- (a) the appeal in Form 33 of the Summary Cause Rules 2002(3);
- (b) the sheriff’s written reasons for the sheriff’s original decision.

(2) On receipt of those documents, the Clerk must fix a hearing and intimate the date, time and place of that hearing to the parties.

Commencement Information

I3 Para. 30.3 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Hearing of appeal

30.4.—(1) Any party may apply by motion for the question of liability for expenses to be heard after the Court gives its decision on the appeal.

(2) At the hearing, a party may only raise questions of law of which notice has not been given if the Court permits the party to do so.

(3) The Court may permit a party to amend any question of law or to add any new question of law.

(4) Where the Court grants permission under paragraph (2) or (3), it may do so on such conditions as to expenses or otherwise as the Court thinks fit.

Commencement Information

I4 Para. 30.4 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Determination of appeal

30.5.—(1) At the conclusion of the hearing, the Court may either give its decision orally or reserve judgment.

(2) Where the Court reserves judgment, it must give its decision in writing within 28 days.

(3) The President of the Sheriff Appeal Court may vary the period in paragraph (2).

(4) The Court may—

- (a) adhere to or vary the decision appealed against;
- (b) recall the decision and substitute another decision for it; or
- (c) remit the matter to the sheriff for further procedure.

(5) The Court may not remit the matter to the sheriff in order that further evidence may be led.

Commencement Information

I5 Para. 30.5 in force at 6.1.2022, see [para. 1.1\(2\)](#)

(3) Form 33 was amended by [S.S.I. 2015/419](#).

Appeal to the Court of Session: certification

30.6.—(1) This rule applies where the Court has determined an appeal arising from the decision of a sheriff in proceedings under the Summary Cause Rules 2002.

(2) An application under section 38(b) of the Sheriff Courts (Scotland) Act 1971 (appeal in summary causes) for a certificate that a cause is suitable for appeal to the Court of Session is to be made in Form 30.6.

(3) Such an application must be lodged within 14 days after the date on which the Court gave its decision on the appeal.

(4) An application may only be disposed of after the procedural Appeal Sheriff has heard parties on it.

Commencement Information

I6 Para. 30.6 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 30.