
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 7

SPECIAL APPEAL PROCEEDINGS

CHAPTER 33

**APPEALS UNDER PART 4 OF THE AGE OF
CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019**

Application of this Chapter

33.1. This Chapter applies to an appeal against the decision of a sheriff under section 38(3), [F146(3)] and 67(3) of the Age of Criminal Responsibility (Scotland) Act 2019(1).

F1 Word in rule 33.1 substituted (19.5.2022) by [Act of Sederunt \(Rules of the Court of Session 1994 and Sheriff Appeal Court Rules Amendment\) \(Miscellaneous\) 2022 \(S.S.I. 2022/135\)](#), paras. 1(2), **3(2)**

Commencement Information

I1 Para. 33.1 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Form of appeal

33.2.—(1) An appeal is made by lodging a note of appeal in Form 33.2.

(2) Rule 6.2(2)(a) to (c) and (g) to (h) applies for the purpose of making an appeal under this rule.

Commencement Information

I2 Para. 33.2 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Hearing of appeal

33.3. On receipt of the appeal, the Clerk must fix forthwith a hearing to take place within 3 working days (within the meaning of section 76 of the Age of Criminal Responsibility (Scotland) Act 2019) and intimate the date, time and place of that hearing to—

- (a) the constable who applied for the order to which the decision relates;
- (b) the child or person acting on behalf of the child to whom the decision relates;
- (c) any other person the court considers has an interest in proceedings.

Commencement Information

I3 Para. 33.3 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Determination of appeal

33.4.—(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).

Commencement Information

I4 Para. 33.4 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 33.