
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 6

INCIDENTAL PROCEDURE: SPECIAL PROCEDURES

CHAPTER 23

PRELIMINARY REFERENCES TO THE CJEU – CITIZENS’ RIGHTS

Preparation of reference

23.3.—(1) Where the Court decides that a reference is to be made, it must make an order specifying—

- (a) by whom the reference is to be drafted and adjusted;
- (b) the periods within which the reference is to be drafted and adjusted.

(2) A reference is to be drafted in Form 23.3 unless the Court directs otherwise when it makes an order under paragraph (1).

(3) In drafting and adjusting the reference, parties are to have regard to the Recommendations to national courts and tribunals in relation to the initiation of preliminary ruling proceedings issued by the European Court⁽¹⁾.

(4) When the reference has been drafted and any adjustments required by the Court have been made, the Court must make and sign the reference.

(5) When the reference is made, the Clerk must notify the parties.

Commencement Information

II Para. 23.3 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, Section 23.3.