
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 468

Act of Sederunt (Sheriff Appeal Court Rules) 2021

PART 6

INCIDENTAL PROCEDURE: SPECIAL PROCEDURES

CHAPTER 25

PROOF

Taking proof in the course of an appeal

- 25.1.**—(1) If it is considered necessary, proof or additional proof may be ordered—
- (a) by the procedural Appeal Sheriff at a procedural hearing;
 - (b) by the Court in the course of an appeal hearing.
- (2) Where the procedural Appeal Sheriff orders that proof or additional proof is to be taken—
- (a) the procedural Appeal Sheriff must appoint a date and time for a hearing for that to be done;
 - (b) so far as reasonably practicable, the hearing is to be before the procedural Appeal Sheriff who made the order.
- (3) Where the Court orders that proof or additional proof is to be taken, the Court must—
- (a) remit the proof to be taken before any Appeal Sheriff;
 - (b) appoint a date and time for a hearing for that to be done;
 - (c) continue the appeal hearing until the Appeal Sheriff reports the proof to the Court.
- (4) Where a hearing is fixed under this rule, the Clerk must notify the date and time of the hearing to the parties.