

SCHEDULE 1

Rule 1.5

ADMINISTRATIVE PROVISIONS

Quorum of the Court

1.—(1) The quorum of the Court for the types of business specified in sub-paragraph (3) is one Appeal Sheriff but more than one Appeal Sheriff may sit where the Court considers that to be appropriate.

(2) The quorum of the Court for any other business is three Appeal Sheriffs but more than three Appeal Sheriffs may sit where the Court considers that to be appropriate.

(3) The types of business are—

- (a) relieving a party from the consequences of a failure to comply with a provision in these Rules under rule 2.1(1);
- (b) making an order to secure the expeditious disposal of the appeal under rule 3.2(2);
- (c) granting permission for lay representation under rule 4.3;
- (d) granting an application for lay support under rule 4.5;
- (e) ordering otherwise where a party is to intimate to every other party under rule 5.2;
- (f) disposing of an application for leave to receive an appeal out of time under rule 6.4(2);
- (g) a hearing fixed under rule 6.7;
- (h) a hearing fixed under rule 6.8;
- (i) a hearing fixed under Chapter 8;
- (j) disposing of an application to abandon an appeal under rule 10.1;
- (k) disposing of an application for permission to appeal to the Court of Session under rule 12.2(1), where the decision in respect of which permission to appeal is sought was made by one Appeal Sheriff;
- (l) a peremptory hearing under rule 18.4;
- (m) disposing of an application for sanction for the employment of counsel, unless the application seeks sanction in respect of appearing at a hearing before more than one Appeal Sheriff;
- (n) ordering caution or giving security under rule 19.3;
- (o) ordering caution or giving security under rule 19.4;
- (p) ordering further caution to be found or further security to be given under rule 19.8(2);
- (q) granting a motion for a finding that a person is in default under rule 19.9(1);
- (r) granting decree for expenses as taxed under rule 20.4(3);
- (s) disposing of a note of objections under rule 20.5(7), where the order allowing expenses was made by one Appeal Sheriff;
- (t) allowing decree for expenses to be extracted in the name of the solicitor who conducted the appeal under rule 20.6;
- (u) disposing of an application to allow a devolution issue to be raised after the note of appeal has been lodged or answers to the note of appeal have been lodged under rule 22.2(3);
- (v) making an order concerning the drafting and adjustment of a reference to the Inner House of the Court of Session or to the Supreme Court under rule 22.6(3);
- (w) making and signing a reference under rule 22.6(6);

- (x) ordering a sist under rule 22.7;
- (y) ordering further procedure under rule 22.8;
- (z) appointing a hearing under rule 24.2(5);
- (aa) determining an application under rule 24.3;
- (bb) making an order under rule 24.5;
- (cc) ordering a party to provide further information under Chapter 26;
- (dd) determining an application to use a live link under Chapter 27;
- (ee) making an interim order under Chapter 28;
- (ff) a hearing fixed under Chapter 30;
- (gg) a hearing fixed by virtue of Chapter 31;
- (hh) a hearing fixed under Chapter 33;
- (ii) disposing of an application for authority to address the Court in Gaelic or to give oral evidence in Gaelic under paragraph 5 of this schedule;
- (jj) any business where the Rules provide for that business to be disposed of by the procedural Appeal Sheriff.

Commencement Information

I1 Sch. 1 para. 1 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Procedural Appeal Sheriff

2.—(1) Every Appeal Sheriff is a procedural Appeal Sheriff.

(2) Where the Court considers it appropriate to do so, the Court may dispose of any business where the Rules provide for that business to be disposed of by the procedural Appeal Sheriff.

Commencement Information

I2 Sch. 1 para. 2 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Signature of interlocutors etc.

3.—(1) Any order made by the Court under these Rules is to be contained in an interlocutor.

(2) An interlocutor must be signed in accordance with sub-paragraphs (3) to (5).

(3) Where the Court is constituted by more than one Appeal Sheriff when an order is made, the interlocutor must be signed by either—

- (a) the Appeal Sheriff who presided over the Court when the order was made; or
- (b) in the event of the death, disability or absence of that Appeal Sheriff, the next senior Appeal Sheriff who sat on that occasion, after such consultation with the other Appeal Sheriffs who sat as may be necessary.

(4) Where the Court is constituted by one Appeal Sheriff, the interlocutor must be signed by that Appeal Sheriff.

(5) Where the Clerk determines an unopposed motion in writing in accordance with rule 13.7(1), the interlocutor must be signed by the Clerk unless the procedural Appeal Sheriff directs otherwise.

(6) The Clerk may sign any other interlocutor if directed to do so by the procedural Appeal Sheriff.

- (7) A direction under sub-paragraph (6) need not be in writing.
- (8) An interlocutor signed in accordance with sub-paragraphs (5) and (6) is to be treated for all purposes as if it had been signed by an Appeal Sheriff.
- (9) An extract of an interlocutor which is not signed in accordance with the provisions of this rule is void and has no effect.
- (10) An interlocutor may, on cause shown, be corrected or altered at any time before extract by either—
- (a) the Appeal Sheriff who signed it;
 - (b) in the event of the death, disability or absence of that Appeal Sheriff, by any other Appeal Sheriff; or
 - (c) where the interlocutor was signed by the Clerk, by any Appeal Sheriff.

Commencement Information

I3 Sch. 1 para. 3 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Decrees, extracts and execution

- 4.—(1) In this paragraph, “decree” includes any order or interlocutor which may be extracted.
- (2) A decree may be extracted at any time after whichever is the later of—
- (a) the expiry of the period within which an application for leave to appeal may be made, if no such application is made;
 - (b) the date on which leave to appeal is refused, if there is no right to appeal from that decision;
 - (c) the expiry of the period within which an appeal may be made, if no such appeal is made; or
 - (d) the date on which an appeal is finally disposed of.
- (3) A party may apply by motion to the procedural Appeal Sheriff to allow an extract to be issued earlier than a date referred to in sub-paragraph (2).
- (4) Nothing in this paragraph affects the power of the Court to supersede extract.
- (5) Where execution may follow on an extract decree, the decree is to include the warrant for execution specified in sub-paragraph (6).
- (6) That warrant is “This extract is warrant for all lawful execution hereon.”.
- (7) Where interest is included in, or payable under, a decree, the rate of interest is 8 per cent a year unless otherwise stated.

Commencement Information

I4 Sch. 1 para. 4 in force at 6.1.2022, see [para. 1.1\(2\)](#)

Use of Gaelic

- 5.—(1) This paragraph applies where the use of Gaelic by a party has been authorised by the sheriff in the proceedings out of which an appeal arises.
- (2) That party may apply by motion for authority to address the Court in Gaelic at—
- (a) an appeal hearing fixed under rule 7.9(3)(a) or rule 8.2(1)(a);
 - (b) a hearing under rule 30.4.

Changes to legislation: There are currently no known outstanding effects for the Act of Sederunt (Sheriff Appeal Court Rules) 2021, SCHEDULE 1. (See end of Document for details)

(3) Where proof or additional proof is ordered in accordance with rule 25.1 and that party wishes to give oral evidence in Gaelic, the party may apply by motion for authority to do so.

(4) Where the Court grants authority under sub-paragraph (2) or (3), an interpreter must be provided by the Court.

Commencement Information

I5 Sch. 1 para. 5 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, SCHEDULE 1.