

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);

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- (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.

### **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.

### **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.

#### **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.

#### **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.
- (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.

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SCHEDULE 2

Rule 1.6(1)

FORMS

Form 4.3

Rule 4.3(4)(b)

**Statement of prospective lay representative for appellant or respondent**

IN THE SHERIFF APPEAL COURT

STATEMENT

by

PROSPECTIVE LAY REPRESENTATIVE FOR APPELLANT [*or* RESPONDENT]

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

Name and address of prospective lay representative who requests permission to represent party litigant:

Identify hearing(s) in respect of which permission for lay representation is sought:

The prospective lay representative declares that:

- (a) I have no financial interest in the outcome of the case.  
[*or I have the following financial interest in the outcome of the case: (state briefly the financial interest).*]
- (b) I am not receiving remuneration or other reward directly or indirectly from the litigant for my assistance and will not receive directly or indirectly such remuneration or other reward from the litigant.
- (c) I accept that documents and information are provided to me by the litigant on a confidential basis and I undertake to keep them confidential.

(d) I have no previous convictions.

[or I have the following convictions: *(list the convictions)*.]

(e) I have not been declared a vexatious litigant under the Vexatious Actions (Scotland) Act 1898.

[or I was declared a vexatious litigant under the Vexatious Actions (Scotland) Act 1898 on *(date)*.]

*(Signed)*

[X.Y.], Prospective lay representative

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## Form 6.2

Rule 6.2(1)

### Note of appeal

APPEAL

to

THE SHERIFF APPEAL COURT

[A.B.] *(designation and address)*

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] *(designation and address)*

DEFENDER and [RESPONDENT/APPELLANT]

1. The appellant appeals to the Sheriff Appeal Court against the decision of the sheriff at *(place)* *(specify nature of decision)* made on *(date)*. The court reference number is *(insert court reference number)*.

### GROUNDS OF APPEAL

2. *(State briefly (in numbered paragraphs) the ground(s) of appeal.)*

### AVAILABILITY OF SHERIFF'S NOTE

3. The sheriff has provided a note setting out the reasons for the decision appealed against, and a copy is appended.

*[or The appellant has requested that the sheriff write a note, but the note is not yet available.]*

*[or The sheriff has not provided a note setting out the reasons for the decision appealed against, and the appellant requests that the sheriff write a note.]*

*[or The sheriff has not provided a note setting out the reasons for the decision appealed against. The appellant considers that the appeal is sufficiently urgent that the Sheriff Appeal Court should hear and determine the appeal without the sheriff's note. (State briefly (in numbered paragraphs) why the appeal is sufficiently urgent to justify its determination without the sheriff's note).]*

INITIAL CASE MANAGEMENT: APPELLANT'S VIEWS

4. The appellant considers that the appeal should be appointed to procedure before three Appeal Sheriffs (Chapter 7 procedure) [or procedure before one Appeal Sheriff (Chapter 8 procedure)] because:

*(state briefly (in numbered paragraphs) why the appellant considers that the appeal should be appointed to that procedure, taking into account the matters mentioned in rule 6.11(3).)*

IN RESPECT WHEREOF

[A.B.] [or [C.D.]], Appellant

[or [X.Y.], Solicitor for Appellant

*(insert business address of solicitor)*

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## Form 6.5

Rule 6.5(1)(b)

IN THE SHERIFF APPEAL COURT

ANSWERS

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The appellant has appealed to the Sheriff Appeal Court against the decision of the sheriff at (*place*) (*specify nature of decision*) made on (*date*).
2. The respondent answers the appeal. (*State briefly (in numbered paragraphs) the answers to the ground(s) of appeal.*)

INITIAL CASE MANAGEMENT: RESPONDENT'S VIEWS

3. The respondent considers that the appeal should be appointed to procedure before three Appeal Sheriffs (Chapter 7 procedure) [*or* procedure before one Appeal Sheriff (Chapter 8 procedure)] because:

*(state briefly (in numbered paragraphs) why the respondent considers that the appeal should be appointed to that procedure, taking into account the matters mentioned in rule 6.11(3).)*

IN RESPECT WHEREOF

[A.B.] [*or* [C.D.]], Respondent

[*or* [X.Y.], Solicitor for Respondent

*(insert business address of solicitor)*]



## Form 6.5-A

Rules 6.5(4), 6.6(1), 15.4(2)(a), 16.3(4) and 18.3(5)

### **Certificate of intimation**

IN THE SHERIFF APPEAL COURT

CERTIFICATE OF INTIMATION

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. I certify that I gave intimation of (*specify document or other matter to be intimated*) to (*insert name of receiving party*).
2. Intimation was given by (*specify method of intimation authorised by rule 5.3*).
3. Intimation was given on (*insert date*).

[A.B.] [*or C.D.*], [Appellant/Respondent]

[*or* [X.Y.], Solicitor for [Appellant/Respondent]]

[*or* [P.Q.], Sheriff Officer]

(*insert business address of solicitor or sheriff officer*)

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## Form 6.6

Rule 6.6(1)

### Grounds of cross-appeal

IN THE SHERIFF APPEAL COURT

GROUND(S) OF APPEAL FOR RESPONDENT

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The appellant has appealed to the Sheriff Appeal Court against the decision of the sheriff at (*place*) to (*specify nature of decision*) made on (*date*).
2. The respondent appeals against the decision of the sheriff at (*place*) to (*specify nature of decision*) made on (*date*).  
  
[or The respondent challenges the grounds on which the sheriff made the decision against which the appellant has appealed.]
3. (*State briefly (in numbered paragraphs) the ground(s) of appeal.*)

IN RESPECT WHEREOF

[A.B.] [or [C.D.]], Respondent

[or [X.Y.], Solicitor for Respondent

(*insert business address of solicitor*)]

## Form 6.9

Rule 6.9(2)

### Reference of question about competency of appeal

IN THE SHERIFF APPEAL COURT

REFERENCE OF QUESTION ABOUT COMPETENCY OF APPEAL

by

[A.B.] [or [C.D.]] (*designation and address*)

RESPONDENT

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The respondent refers the following question about the competency of the appeal to the procedural Appeal Sheriff:

*(state briefly (in numbered paragraphs) the question(s) about the competency of the appeal).*

2. *(State briefly (in numbered paragraphs) the grounds for referring the question(s).)*

[A.B.] [or [C.D.]], Respondent

[or [X.Y.], Solicitor for Respondent

*(insert business address of solicitor)]*

**Status:** This is the original version (as it was originally made).

## Form 7.2

Rules 6.12(5)(a), 7.2(1) and 7.3(4)(b)

### **Timetable in appeal**

IN THE SHERIFF APPEAL COURT

TIMETABLE IN APPEAL

in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

Date of issue of timetable: (*date*)

[This is a revised timetable issued under rule 6.12(5)(a) [*or* rule 7.3(4)(b)] which replaces the timetable issued on (*date*).]

1. The appellant must lodge the appeal print under rule 7.4(1) no later than (*date*).
2. The appellant must lodge the appendix to the appeal print under rule 7.5(1) no later than (*date*).
3. If the appellant does not consider that it is necessary to lodge an appendix to the appeal print, the appellant must lodge written notice under rule 7.6(1) no later than (*date*).
4. The parties must lodge notes of argument under rule 7.7(1) no later than (*date*).
5. The parties must lodge estimates of the duration of any appeal hearing required to dispose of the appeal under rule 7.8 no later than (*date*).
6. A procedural hearing will take place at (*place*) on (*date and time*).

## Form 7.8

Rule 7.8

### Estimate of duration of appeal hearing

IN THE SHERIFF APPEAL COURT

ESTIMATE OF DURATION OF APPEAL HEARING

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

I, (*name and designation*) estimate that the likely duration of an appeal hearing in this appeal is (*state estimated duration*).

[A.B.] [*or* [C.D.]], [Appellant/  
Respondent]

[*or* [X.Y.], Solicitor for [Appellant/  
Respondent]

(*insert business address of solicitor*)]

**Status:** This is the original version (as it was originally made).

## Form 12.2

Rule 12.2(1)

### **Form of application for permission to appeal to the Court of Session**

IN THE SHERIFF APPEAL COURT

APPLICATION

for

PERMISSION TO APPEAL TO THE COURT OF SESSION

under section 113 of the Courts Reform (Scotland) Act 2014

by

[A.B.] (*designation and address*)

APPLICANT

against

A DECISION OF THE SHERIFF APPEAL COURT

1. On (*date*) the Sheriff Appeal Court (*briefly describe decision in respect of which permission to appeal to the Court of Session is sought*).

GROUNDS OF APPEAL

2. (*State briefly (in numbered paragraphs) the ground(s).*)

PERMISSION TO APPEAL

3. The appeal raises an important point of principle or practice because (*state briefly the reasons*).

[*or* The appeal does not raise an important point of principle or practice but there is some other compelling reason for the Court of Session to hear the appeal because (*state briefly the reasons*).]

[A.B.], Applicant

[*or* [X.Y.], Solicitor for Applicant

(*insert business address of solicitor*)]

## Form 14.1

Rules 14.1(1), 14.4(2), and 14.5(2)(a)

### **Form of motion by email**

### **IN THE SHERIFF APPEAL COURT**

### **Unopposed [*or* Opposed] motion**

**To: (email address of the Court)**

1. Case name:
  
2. Court ref number:
  
3. Is the case in court in the next 7 days?
  
4. Solicitors or party lodging motion:

(a) Reference:

(b) Telephone number:

(c) Email address:

5. Lodging motion on behalf of:

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6. Motion (in brief terms):
7. Submissions in support of motion (if required):
8. Date of lodging of motion:
9. Intimation made to:

(a) Provided email address(es):

(b) Additional email address(es) of fee-earner or other person(s) dealing with the case on behalf of a receiving party (if applicable):

10. Date intimations sent:
11. Opposition must be intimated to opponent no later than 1700 hours on:
12. Is motion opposed or unopposed?
13. Has consent to the motion been provided?
14. Document(s) intimated and lodged with motion:

**EXPLANATORY NOTE TO BE ADDED WHERE RECEIVING PARTY IS NOT LEGALLY REPRESENTED**

**OPPOSITION TO THE MOTION MAY BE MADE** by completing Form 14.2 (Form of opposition to motion by email) and intimating it to the party intending to lodge the motion (insert email address) on or before the last date for intimating opposition (see paragraph 11 above).

**IN THE EVENT OF A FORM OF OPPOSITION BEING INTIMATED**, the party intending to lodge the motion will lodge an opposed motion and the clerk of the Sheriff Appeal Court will assign a date, time and place for hearing parties on the motion. Intimation of this hearing will be sent to parties by the clerk.



**IF NO NOTICE OF OPPOSITION IS LODGED, OR IF CONSENT TO THE MOTION IS INTIMATED TO THE PARTY INTENDING TO LODGE THE MOTION, the motion will be considered without the attendance of parties.**

**IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency.**

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## Form 14.2

Rules 14.2(1) and 14.5(2)(b)

### **Form of opposition to motion by email**

#### **IN THE SHERIFF APPEAL COURT**

#### **TO BE INTIMATED TO THE PARTY INTENDING TO LODGE THE MOTION**

1. Case name:
  
2. Court ref number:
  
3. Date of intimation of motion:
  
4. Date of intimation of opposition to motion:
  
5. Solicitors or party opposing motion:
  - (a) Reference:
  
  - (b) Telephone number:
  
  - (c) Email address:
  
6. Opposing motion on behalf of:

7. Grounds of opposition:

8. Estimated duration of hearing:

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## Form 15.1

Rule 15.1(1)

### Form of motion

IN THE SHERIFF APPEAL COURT

MOTION FOR THE APPELLANT [*or* RESPONDENT]

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

Date: (*insert date of intimation*)

1. The appellant (*or* respondent) moves the Court to (*insert details of the motion*).
2. (*State briefly (in numbered paragraphs) the grounds for the motion*).
3. The last date for lodging opposition to the motion is (*insert last date for lodging opposition*).
4. (*Where a copy of a document accompanies the motion in accordance with rule 15.1(2), list the document(s) in question.*)

[A.B.] [*or* [C.D.]], [Appellant/  
Respondent]  
[*or* [X.Y.], Solicitor for [Appellant/  
Respondent]  
(*insert business address of solicitor*)]

**EXPLANATORY NOTE TO BE INSERTED WHERE RECEIVING PARTY IS NOT LEGALLY REPRESENTED.**

**YOU MAY OPPOSE THE MOTION BY COMPLETING FORM 15.2 (Form of Opposition to Motion) and lodging it with the Clerk of the Sheriff Appeal Court.**

**You must do so on or before the last date for lodging opposition.**

**IF YOU OPPOSE THE MOTION, the Clerk will arrange a hearing. The Clerk will tell you the date, time and place for the hearing. You will have to attend the hearing or be represented at it.**

**IF YOU DO NOT OPPOSE THE MOTION, the Court may decide how to dispose of the motion without a hearing.**

**IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE, you should consult a solicitor. You may also obtain advice from a Citizens Advice Bureau or other advice agency.**

## Form 15.2

Rule 15.2(1)

### **Form of opposition to motion**

IN THE SHERIFF APPEAL COURT

OPPOSITION BY APPELLANT [*or* RESPONDENT] TO MOTION

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

Date of intimation of motion: (*insert date of intimation*)

Date of intimation of opposition to motion: (*insert date of intimation*)

1. The appellant (*or* respondent) opposes the motion by the respondent [*or* appellant].
2. (*State briefly (in numbered paragraphs) the grounds for opposing the motion.*)

[A.B.] [*or* [C.D.]], [Appellant/  
Respondent]  
[*or* [X.Y.], Solicitor for [Appellant/  
Respondent]  
(*insert business address of solicitor*)]

**Status:** This is the original version (as it was originally made).

## Form 16

Rule 16.2(1)

IN THE SHERIFF APPEAL COURT

MINUTE

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The minuter asks the Court to make the following order:  
*(state briefly (in numbered paragraphs) the order sought from the Court).*
2. *(State briefly (in numbered paragraphs) the facts supporting the making of that order.)*
3. *(Where appropriate, state the pleas-in-law.)*

IN RESPECT WHEREOF

[A.B.], Minuter

*[or [X.Y.], Solicitor for Minuter*

*(insert business address of solicitor)]*

## Form 18.3

Rule 18.3(1)(c)

### **Notice of peremptory hearing**

IN THE SHERIFF APPEAL COURT

NOTICE OF PEREMPTORY HEARING

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The Court has been informed that your solicitor no longer represents you.
2. As a result, the Court has made an order that you should attend or be represented at a peremptory hearing at (*insert place*) on (*insert date and time*).
3. At the peremptory hearing, you will have to tell the Court whether you intend to continue with the appeal [*or your answers to the appeal*].

[A.B.] [*or* [C.D.]], [Appellant/  
Respondent]  
[*or* [X.Y.], Solicitor for [Appellant/  
Respondent]  
(*insert business address of solicitor*)]

**IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE, you should consult a solicitor.  
You may also obtain advice from a Citizens Advice Bureau or other advice agency.**

*Status: This is the original version (as it was originally made).*

## Form 22.2

Rule 22.2(1)

### **Devolution issue**

IN THE SHERIFF APPEAL COURT

DEVOLUTION ISSUE

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

The appellant [*or respondent*] wishes to raise a devolution issue in this appeal.

*(State briefly (in numbered paragraphs) the following information—*

- (a) *the facts and circumstances and contentions of law on the basis of which it is alleged that the devolution issue arises;*
  
- (b) *details of the relevant law (including the relevant provisions of the Scotland Act 1998, the Northern Ireland Act 1998 or the Government of Wales Act 2006, as the case may be).*

[A.B.] [*or* [C.D.]], [Appellant/  
Respondent]  
[*or* [X.Y.], Solicitor for [Appellant/  
Respondent]  
(*insert business address of solicitor*)]



## Form 23.3

Rule 23.3(2)

### Reference to the European Court

REQUEST

for

PRELIMINARY RULING

of

THE COURT OF JUSTICE OF THE EUROPEAN UNION

from

THE SHERIFF APPEAL COURT IN SCOTLAND

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

*(Set out a clear and succinct statement of the case giving rise to the request for the ruling of the European Court in order to enable the European Court to consider and understand the issues of EU law raised and to enable governments of Member States and other interested parties to submit observations. The statement of case should include:*

- (a) particulars of the parties;*
- (b) the history of the dispute between the parties;*
- (c) the history of the proceedings;*
- (d) the relevant facts as agreed by the parties or found by the court or, failing such agreement or finding, the contentions of the parties on such facts;*
- (e) the nature of the issues of law and fact between the parties;*
- (f) the Scots law, so far as it is relevant;*
- (g) the Treaty provisions or other acts, instruments or rules of EU law concerned; and*
- (h) an explanation of why the reference is being made.)*

**Status:** *This is the original version (as it was originally made).*

The preliminary ruling of the Court of Justice of the European Union is accordingly requested on the following questions:

*(state (in numbered paragraphs) the questions on which the ruling is sought).*

Dated the *(day)* day of *(month and year)*.

Appeal Sheriff

## Form 24.2

Rule 24.2(1)

### **Application for leave to intervene by the CEHR or SCHR**

IN THE SHERIFF APPEAL COURT

APPLICATION FOR LEAVE TO INTERVENE

by

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS (“the CEHR”)

[or THE SCOTTISH COMMISSION FOR HUMAN RIGHTS (“the SCHR”)]

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The CEHR [or The SCHR] seeks leave to intervene in this appeal under section 30(1) of the Equality Act 2006 [or section 14(2) of the Scottish Commission for Human Rights Act 2006].
2. The CEHR considers that this appeal is relevant to a matter in connection with which it has a function because:  
*(state briefly (in numbered paragraphs) the reasons).*  
  
[or The SCHR considers that an issue arising in this appeal is relevant to its general duty and raises a matter of public interest because:  
*(state briefly (in numbered paragraphs) the reasons).]*
3. The issue in this appeal which the CEHR [or the SCHR] intends to address is:  
*(state briefly (in numbered paragraphs) the reasons).*
4. The CEHR [or The SCHR] intends to make the following submission if leave to intervene is granted:  
*(state briefly (in numbered paragraphs) a summary of the proposed submissions).*

[X.Y.], Solicitor for the CEHR [or the SCHR]

*(insert business address of solicitor)*

**Status:** This is the original version (as it was originally made).

## Form 24.4

Rule 24.4(1)

### **Invitation to the SCHR to intervene**

IN THE SHERIFF APPEAL COURT

INVITATION

to

THE SCOTTISH COMMISSION FOR HUMAN RIGHTS (“the SCHR”)

TO INTERVENE

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The Sheriff Appeal Court invites the SCHR to intervene in this appeal under section 14(2)(b) of the Scottish Commission for Human Rights Act 2006.
2. (*State briefly (in numbered paragraphs) the procedural history, facts and issues in the appeal.*)
3. The Court seeks a submission from the SCHR on the following issue:  
*(state briefly (in numbered paragraphs) the issue).*

Appeal Sheriff

## Form 25.4–A

Rules 25.4(1) and 26.8(2)

### **Form of oath for witness**

I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth.

## Form 25.4–B

Rules 25.4(2) and 26.8(3)

### **Form of affirmation for witness**

I solemnly, sincerely and truly declare and affirm that I will tell the truth, the whole truth and nothing but the truth.

*Status: This is the original version (as it was originally made).*

## Form 26.2–A

Rule 26.2(1)

### Child witness notice

IN THE SHERIFF APPEAL COURT

CHILD WITNESS NOTICE

under section 12 of the Vulnerable Witnesses (Scotland) Act 2004

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The applicant is the appellant [*or respondent*].
2. The applicant has cited [*or intends to cite*] [E.F.] (*date of birth*) as a witness.
3. [E.F.] is a child witness under section 11 of the Vulnerable Witnesses (Scotland) Act 2004 [*and was under the age of eighteen on the date of the commencement of proceedings.*]
4. The applicant considers that the following special measure[s] is [are] the most appropriate for the purpose of taking the evidence of [E.F.] [*or that [E.F.] should give evidence without the benefit of any special measure*]:  
*(specify any special measure(s) sought).*
5. The reason[s] this [these] special measure[s] is [are] considered the most appropriate is [are] as follows:  
*(specify the reason(s) for the special measure(s) sought).*  
  
[*or* The reason[s] it is considered that [E.F.] should give evidence without the benefit of any special measure is [are]:  
*(explain why it is felt that no special measures are required).*]

6. [E.F.] and the parent[s] of [*or* person[s] with parental responsibility for] [E.F.] has [have] expressed the following view[s] on the special measure[s] that is [are] considered most appropriate [*or* the appropriateness of [E.F.] giving evidence without the benefit of any special measure]:

*(specify the view(s) expressed and how they were obtained).*

7. Other information considered relevant to this application is as follows:

*(state briefly any other information relevant to the child witness notice).*

8. The applicant asks the Court to—

- (a) consider this child witness notice; and
- (b) make an order authorising the special measure[s] sought;

*[or make an order authorising the giving of evidence by [E.F.] without the benefit of special measures.]*

[A.B.] [*or* C.D.], Applicant

[*or* X.Y.], Solicitor for Applicant

*(insert business address of solicitor)*

*Status: This is the original version (as it was originally made).*

## Form 26.2–B

Rule 26.2(2)

### **Vulnerable witness application**

IN THE SHERIFF APPEAL COURT

VULNERABLE WITNESS APPLICATION

under section 12 of the Vulnerable Witnesses (Scotland) Act 2004

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The applicant is the appellant [*or* respondent].
2. The applicant has cited [*or* intends to cite] [E.F.] (*date of birth*) as a witness.
3. The applicant considers that [E.F.] is a vulnerable witness under section 11(1)(b) of the Vulnerable Witnesses (Scotland) Act 2004 for the following reasons:  
  
*(specify why the witness is considered to be a vulnerable witness).*
4. The applicant considers that the following special measure[s] is [are] the most appropriate for the purpose of taking the evidence of [E.F.]:  
  
*(specify any special measure(s) sought).*
5. The reason[s] this [these] special measure[s] is [are] considered the most appropriate is [are] as follows:  
  
*(specify the reason(s) for the special measure(s) sought).*
6. [E.F.] has expressed the following view[s] on the special measure[s] that is [are] considered most appropriate:  
  
*(specify the view(s) expressed and how they were obtained).*



7. Other information considered relevant to this application is as follows:  
  
*(state briefly any other information relevant to the vulnerable witness application).*
8. The applicant asks the Court to—
  - (a) consider this vulnerable witness application; and
  - (b) make an order authorising the special measure[s] sought.

[A.B.] [or [C.D.]], Applicant  
[or [X.Y.], Solicitor for Applicant  
*(insert business address of solicitor)*]

*Status: This is the original version (as it was originally made).*

## Form 26.2–C

Rule 26.2(3)(a)

### **Application for review of arrangements for vulnerable witness**

IN THE SHERIFF APPEAL COURT

APPLICATION FOR REVIEW OF ARRANGEMENTS FOR VULNERABLE WITNESSES

under section 13 of the Vulnerable Witnesses (Scotland) Act 2004

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The applicant is the appellant [*or respondent*].
2. A proof [*or hearing*] is fixed for (*date*) at (*time*).
3. [E.F.] is a witness who is to give evidence at, or for the purposes of, the proof [*or hearing*]. [E.F.] is a child witness [*or vulnerable witness*] under section 11 of the Vulnerable Witnesses (Scotland) Act 2004.
4. The current arrangements for taking the evidence of [E.F.] are (*specify the current arrangements*).
5. The current arrangements should be reviewed because (*specify reasons for review*).
6. [E.F.] [and the parent[s] of [*or person[s] with parental responsibility for*] [E.F.]] has [have] expressed the following view[s] on [the special measure[s] that is [are] considered most appropriate] [*or the appropriateness of [E.F.] giving evidence without the benefit of any special measure*]:  
  
(*specify the view(s) expressed and how they were obtained*).
7. The applicant seeks (*specify the order sought*).

[A.B.] [*or [C.D.]*], Applicant

[*or [X.Y.]*], Solicitor for Applicant

(*insert business address of solicitor*)

## Form 28.3

Rule 28.3(2)(a)

### **Representations about a proposed order restricting the reporting of proceedings**

IN THE SHERIFF APPEAL COURT

REPRESENTATIONS

by

[A.B.] (*designation and address*)

APPLICANT

1. On (*date*) the Sheriff Appeal Court made an interim order under rule 28.2(1) of the Act of Sederunt (Sheriff Appeal Court Rules) 2021.
2. The applicant is a person who would be directly affected by an order restricting the reporting of proceedings because:  
  
(*state briefly (in numbered paragraphs) the reasons*).
3. The applicant wishes to make the following representations:  
  
(*state briefly (in numbered paragraphs) the representations*).
- [4. The applicant seeks an urgent hearing on these representations because:  
  
(*state briefly (in numbered paragraphs) why an urgent hearing is necessary*).]

[A.B.], Applicant

[or [X.Y.], Solicitor for Applicant

(*insert business address of solicitor*)]

**Status:** This is the original version (as it was originally made).

## Form 28.5

Rule 28.5(2)

### **Application for variation or revocation of an order restricting the reporting of proceedings**

IN THE SHERIFF APPEAL COURT

APPLICATION

by

[A.B.] (*designation and address*)

APPLICANT

1. On (*date*) the Sheriff Appeal Court made an order restricting the reporting of proceedings in (*name of case (and court reference, if known)*).
2. The applicant seeks variation [*or revocation*] of the order because:  
  
(*state briefly (in numbered paragraphs) the reasons for the application*).
- [3. The applicant seeks to vary the order by:  
  
(*state briefly (in numbered paragraphs) the proposed variation(s)*).

[A.B.], Applicant

[*or* [X.Y.], Solicitor for Applicant

(*insert business address of solicitor*)

## Form 29.2

Rule 29.2(1)

### Application for new trial

APPLICATION

to

THE SHERIFF APPEAL COURT

for

A NEW TRIAL

under section 69 of the Courts Reform (Scotland) Act 2014

by

[A.B.] (*designation and address*)

APPLICANT

[C.D.] (*designation and address*)

RESPONDENT

1. On (*date*), a jury trial was held before the Sheriff of Lothian and Borders at Edinburgh in the cause [A.B.] (*designation and address*), pursuer, against [C.D.] (*designation and address*), defender. The court reference number is (*insert court reference number*).
2. The verdict of the jury was (*state the verdict returned in accordance with section 68 of the Courts Reform (Scotland) Act 2014*).
3. The applicant applies to the Sheriff Appeal Court for a new trial under section 69(1) of the Court Reform (Scotland) Act 2014.

#### GROUND(S) FOR APPLICATION

(*State briefly (in numbered paragraphs) the ground(s) for the application including references to section 69(2) of the Court Reform (Scotland) Act 2014.*)

IN RESPECT WHEREOF

[A.B.], Applicant

[or [X.Y.], Solicitor for Applicant

(*insert business address of solicitor*)]

*Status: This is the original version (as it was originally made).*

## Form 29.5

Rules 29.5(1), 29.6(6)(a) and (7)(b)

### **Timetable in application for new trial**

IN THE SHERIFF APPEAL COURT

TIMETABLE IN APPLICATION FOR NEW TRIAL

by

[A.B.] (*designation and address*)

APPLICANT

against

[C.D.] (*designation and address*)

RESPONDENT

Date of issue of timetable: (*date*)

[This is a revised timetable issued under rule 29.6(6)(a) [*or* rule 29.6(7)(b)] which replaces the timetable issued on (*date*).]

1. The respondent may refer a question of competency under rule 29.7(3) no later than (*date*).

**Note:** if a reference is lodged, parties must lodge notes of argument under rule 29.7(5) within 7 days after the date on which the reference is lodged.

2. The applicant must lodge the appendix to the print under rule 29.9(1) no later than (*date*).
3. If the applicant does not consider that it is necessary to lodge an appendix to the print, the applicant must lodge written notice under rule 29.10(1) no later than (*date*).
4. The parties must lodge notes of argument under rule 29.11(1) no later than (*date*).
5. The parties must lodge estimates of the duration of any hearing required to dispose of the application for a new trial under rule 29.12 no later than (*date*).
6. A procedural hearing will take place at (*place*) on (*date and time*).

## Form 29.7

Rule 29.7(2)

### **Reference of question about competency of application for new trial**

IN THE SHERIFF APPEAL COURT

REFERENCE OF QUESTION ABOUT COMPETENCY OF APPLICATION FOR NEW TRIAL

by

[C.D.] (*designation and address*)

RESPONDENT

in the appeal by

[A.B.] (*designation and address*)

APPLICANT

against

[C.D.] (*designation and address*)

RESPONDENT

1. The respondent refers the following question about the competency of the application for a new trial to the procedural Appeal Sheriff:

*(state briefly (in numbered paragraphs) the question(s) about the competency of the application for a new trial).*

2. *(State briefly (in numbered paragraphs) the grounds for referring the question(s).)*

[C.D.], Respondent

[or [X.Y.], Solicitor for Respondent

*(insert business address of solicitor)*]

**Status:** This is the original version (as it was originally made).

## Form 29.12

Rule 29.12

### Estimate of duration of hearing

IN THE SHERIFF APPEAL COURT

ESTIMATE OF DURATION OF HEARING

in the application for a new trial

[A.B.] (*designation and address*)

APPLICANT

against

[C.D.] (*designation and address*)

RESPONDENT

I, (*name and designation*) estimate that the likely duration of a hearing to dispose of this application for a new trial is (*state estimated duration*).

[A.B.], [or [C.D.]]  
[Applicant/Respondent]

[or [X.Y.], Solicitor for [Applicant/  
Respondent]

(*insert business address of solicitor*)]



## Form 29.14

Rule 29.14(2)

### Application to enter jury verdict

APPLICATION

to

THE SHERIFF APPEAL COURT

to

ENTER JURY VERDICT

under section 71(2) of the Courts Reform (Scotland) Act 2014

by

[A.B.] (*designation and address*)

APPLICANT

[C.D.] (*designation and address*)

RESPONDENT

1. On (*date*), a jury trial was held before the Sheriff of Lothian and Borders at Edinburgh in the cause [A.B.] (*designation and address*), pursuer, against [C.D.] (*designation and address*), defender. The court reference number is (*insert court reference number*).
2. The verdict of the jury was (*state the verdict returned in accordance with section 68 of the Courts Reform (Scotland) Act 2014*).
3. The applicant applies to the Sheriff Appeal Court for the verdict instead to be entered in the applicant's favour under section 71(2) of the Court Reform (Scotland) Act 2014.

#### GROUNDS FOR APPLICATION

(*State briefly (in numbered paragraphs) the ground(s) for the application*).

IN RESPECT WHEREOF

[A.B.], [*or* C.D.] Applicant

[*or* [X.Y.], Solicitor for Applicant

(*insert business address of solicitor*)]

*Status: This is the original version (as it was originally made).*

## Form 30.6

Rule 30.6(2)

### **Application for certificate of suitability for appeal to the Court of Session**

IN THE SHERIFF APPEAL COURT

APPLICATION FOR CERTIFICATE OF SUITABILITY FOR APPEAL TO THE COURT OF  
SESSION

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The appellant [*or* respondent] asks the Sheriff Appeal Court to certify that this appeal is suitable for appeal to the Court of Session under section 38(b) of the Sheriff Courts (Scotland) Act 1971.
2. The appellant [*or* respondent] considers that this appeal is suitable for appeal to the Court of Session because:

*(state briefly (in numbered paragraphs) the reasons).*

[A.B.] [*or* [C.D.]], [Appellant/  
Respondent]

[*or* [X.Y.], Solicitor for [Appellant/  
Respondent]

*(insert business address of solicitor)*

## Form 32.5

Rule 32.5(2)

### **Application for leave to appeal to the Court of Session**

IN THE SHERIFF APPEAL COURT

APPLICATION FOR LEAVE TO APPEAL TO THE COURT OF SESSION

under

SECTION 163(2) [or 164(2)] [or 165(2)] OF THE CHILDREN'S HEARINGS (SCOTLAND)  
ACT 2011

in the appeal in the cause

[A.B.] (*designation and address*)

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] (*designation and address*)

DEFENDER and [RESPONDENT/APPELLANT]

1. The appellant [or respondent] asks the Sheriff Appeal Court to grant leave to appeal to the Court of Session under section 163(2) [or 164(2)] [or 165(2)] of the Children's Hearings (Scotland) Act 2011.

#### GROUND(S) OF APPEAL

2. (*State briefly (in numbered paragraphs) the point(s) of law or procedural irregularity on which the appeal is to proceed.*)

[A.B.] [or [C.D.]], [Appellant/  
Respondent]

[or [X.Y.], Solicitor for [Appellant/  
Respondent]

(*insert business address of solicitor*)

**Status:** This is the original version (as it was originally made).

## Form 33.2

Rule 33.2(1)

### Note of appeal

APPEAL

to

THE SHERIFF APPEAL COURT

[A.B.] (*designation and address*)

APPLICANT and [APPELLANT/RESPONDENT]

[C.D.] (*designation and address*)

RESPONDENT and [RESPONDENT/APPELLANT]

1. The appellant appeals to the Sheriff Appeal Court against the decision of the sheriff at (*place*) (*specify nature of decision*) made on (*date*). The court reference number is (*insert court reference number*). [The appellant's email address is (*insert contact email address of the appellant, if the appellant has one*).] [The respondent's email address is (*insert contact email address of the respondent, if known*).] [The following person[s] [is/are] considered to have an interest in the proceedings: (*insert names and addresses of any parties with an interest in the proceedings and, if known, their contact email addresses*).]

### GROUND(S) OF APPEAL

2. (*State briefly (in numbered paragraphs) the ground(s) of appeal.*)

### AVAILABILITY OF SHERIFF'S NOTE

3. The sheriff has provided a note setting out the reasons for the decision appealed against, and a copy is appended.

[*or* The appellant has requested that the sheriff write a note, but the note is not yet available.]

[*or* The sheriff has not provided a note setting out the reasons for the decision appealed against, and the appellant requests that the sheriff write a note.]

[*or* The sheriff has not provided a note setting out the reasons for the decision appealed against. The appellant considers that the appeal is sufficiently urgent that the Sheriff Appeal Court should hear and determine the appeal without the sheriff's note. (*State briefly (in numbered paragraphs) why the appeal is sufficiently urgent to justify its determination without the sheriff's note.*)]

IN RESPECT WHEREOF

[P.Q.] (Applicant)

[A.B.] [*or* [C.D.]], Appellant

[*or* [X.Y.] Solicitor for Appellant

(*insert business address of solicitor*)]