



Court of Session Act 1988

1988 CHAPTER 36

PART V

APPEAL AND REVIEW

Appeals and transmissions from sheriff

32 Appeals.

- (1) Where an appeal is taken to the Court from the judgment of the sheriff principal or sheriff under section 28 of the ^{M1}Sheriff Courts (Scotland) Act 1907, the record may, with the leave of the Court, be amended at any time on such conditions as to the Court seem proper.
- (2) On any such appeal the Court may, if it thinks fit, remit the cause to the sheriff principal or sheriff with instructions.
- (3) On any such appeal the Court may, if necessary, order proof or additional proof to be taken in accordance with section 37 of this Act and shall thereafter, or without any such order if no such proof or additional proof is necessary, give judgment on the merits of the cause.
- (4) Where such an appeal is taken to the Court from the judgment of the sheriff principal or sheriff proceeding on a proof, the Court shall in giving judgment distinctly specify in its interlocutor the several facts material to the cause which it finds to be established by the proof, and express how far its judgment proceeds on the matter of facts so found, or on matter of law, and the several points of law which it means to decide.
- (5) The judgment of the Court on any such appeal shall be appealable to the House of Lords only on matters of law.

Marginal Citations

M1 1907 c. 51.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Court of Session Act 1988, Cross Heading: Appeals and transmissions from sheriff is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

33 Transmissions from sheriff to Court on ground of contingency.

- (1) The Court shall, on an application made to it, if it is of the opinion that there is contingency between a sheriff court cause and a cause depending before it, grant warrant to the clerk of the sheriff court cause for transmission of that cause to the Court.
- (2) In subsection (1) above “sheriff court cause” means a cause depending before the sheriff principal or the sheriff.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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