

1977 No. 1622 (S.116)

## SHERIFF COURT, SCOTLAND

Act of Sederunt (Appeals under the Licensing (Scotland)  
Act 1976) 1977

Made - - - - 6th October 1977

Coming into Operation 29th October 1977

The Lords of Council and Session under and by virtue of the powers conferred upon them by section 32 of the Sheriff Courts (Scotland) Act 1971(a) and by section 39(9) of the Licensing (Scotland) Act 1976(b) and of all other powers enabling them in that behalf, do hereby enact and declare:—

*Citation, Commencement and Interpretation*

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Appeals under the Licensing (Scotland) Act 1976) 1977 and shall come into operation on 29th October 1977.

(2) In this Act of Sederunt—

(a) “the 1976 Act” means the Licensing (Scotland) Act 1976; and

(b) the Interpretation Act 1889(c) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

*Appeals Procedure*

2. Any appeal to the sheriff under section 39 of the 1976 Act against a decision of a licensing board shall be made by way of initial writ under the Sheriff Courts (Scotland) Acts 1907(d) and 1913(e) and such appeal shall be disposed of as a summary application as defined in the said Acts.

3. At the same time as the initial writ is lodged with the sheriff clerk or as soon as may be thereafter, the appellant shall serve a copy thereof on the clerk of the licensing board and on all the other parties who appeared at the hearing before the licensing board.

4. Where the appellant has received a statement of reasons for its decision from the licensing board he shall lodge a copy thereof with the sheriff clerk.

5. Where an appeal is made to the sheriff against a decision of a licensing board and that board has given as reasons for its decision one or more of the statutory grounds of refusal, the sheriff may, at any time prior to pronouncing a final interlocutor request the licensing board to give their reasons for finding such ground or grounds of refusal to be established.

(a) 1971 c. 58.  
(d) 1907 c. 51.

(b) 1976 c. 66.  
(e) 1913 (2 & 3 Geo. 5) c. 28.

(c) 1889 c. 63.

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And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

*G. C. Emslie,*  
I.P.D.

Edinburgh.  
6th October 1977.

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EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt.)*

This Act of Sederunt makes rules for the conduct of proceedings in the case of appeals to the sheriff under section 39 of the Licensing (Scotland) Act 1976 (c.18) against a decision of a licensing board.

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