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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 419**

**Act of Sederunt (Rules of the Court of Session,  
Sheriff Appeal Court Rules and Sheriff Court  
Rules Amendment) (Sheriff Appeal Court) 2015**

**Amendment of the Ordinary Cause Rules 1993**

- 5.—(1) The Ordinary Cause Rules 1993(1) are amended in accordance with this paragraph.
- (2) In rule 1.3 (representation)(2), omit paragraph (2).
- (3) In rule 11.7 (retention and disposal of parts of process by sheriff clerk)—
- (a) in paragraph (1)—
- (i) for “marking” substitute “making”;
- (ii) for “marked” substitute “made”;
- (b) in paragraph (2), for “marked” substitute “made”.
- (4) In rule 11.8(1) (uplifting of productions from process), for “marked” in each place where it occurs substitute “made”.
- (5) In rule 26.1 (transfer to another sheriff court)(3), omit paragraph (8).
- (6) In rule 28.3A(9) (optional procedure where there is a party litigant)(4), for “marked” substitute “made”.
- (7) For rule 29.19 (incidental appeal against rulings on confidentiality of evidence and production of documents) substitute—

**“Rulings on admissibility of evidence: leave to appeal**

- 29.19.—(1) This rule applies where a party or any other person objects to—
- (a) the admissibility of oral or documentary evidence on the ground of confidentiality;
- (b) the production of a document on any ground.
- (2) An application for leave to appeal against the decision of the sheriff on the objection must be made immediately.”
- (8) In rule 30.4(1)(b)(iii) (when decrees extractable)(5), for “marked” in each place where it occurs substitute “made”.
- (9) In rule 30.8(1) (date of decree in extract), for “sheriff principal” in each place where it occurs substitute “Sheriff Appeal Court”.
- (10) In Chapter 31 (appeals)(6)—

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(1) The Ordinary Cause Rules 1993 are in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956 and was last amended by S.S.I. 2015/312.

(2) Rule 1.3 was amended by S.S.I. 2007/6.

(3) Rule 26.1 was amended by S.S.I. 2015/227.

(4) Rule 28.3A was inserted by S.S.I. 2014/152.

(5) Rule 30.4 was amended by S.I. 1996/2445.

(6) Chapter 31 was last amended by S.S.I. 2008/365.

- (a) omit rule 31.1 (time limit for appeal);
- (b) in rule 31.2 (applications for leave to appeal)(7), omit paragraph (2);
- (c) omit rule 31.2A (appeals in connection with interim diligence)(8);
- (d) omit rules 31.3 (form of appeal to Court of Session) to 31.8 (fixing of Options Hearing or making other order following appeal);
- (e) in rule 31.9 (appeals in connection with orders under section 11 of the Children (Scotland) Act 1995 or aliment), for “, the sheriff principal or the Court of Session, as the case may be” substitute “or the Sheriff Appeal Court”;
- (f) in rule 31.10 (interim possession etc. pending appeal)—
  - (i) in paragraph (1), omit “or sheriff principal”;
  - (ii) for paragraph (2) substitute—
    - “(2) An order made under paragraph (1) may be reviewed by the Sheriff Appeal Court.”;
- (g) omit rule 31.11 (abandonment of appeal).
- (11) In rule 33.81 (simplified divorce applications: appeals)—
  - (a) the existing rule becomes paragraph (1);
  - (b) after that paragraph, insert—
    - “(2) Within 4 days after receiving an appeal, the sheriff clerk must transmit to the Clerk of the Sheriff Appeal Court—
      - (a) the appeal;
      - (b) all documents and productions in the simplified divorce application.
    - (3) On receipt of the appeal, the Clerk of the Sheriff Appeal Court is to fix a hearing and intimate the date, time and place of that hearing to the parties.”.
- (12) In rule 33.86(1)(a) (variation of Court of Session decrees: transmission of process)—
  - (a) for “marking” substitute “making”;
  - (b) for “marked” substitute “made”.
- (13) In rule 33A.74 (simplified dissolution of civil partnership applications: appeals)—
  - (a) the existing rule becomes paragraph (1);
  - (b) after that paragraph, insert—
    - “(2) Within 4 days after receiving an appeal, the sheriff clerk must transmit to the Clerk of the Sheriff Appeal Court—
      - (a) the appeal;
      - (b) all documents and productions in the simplified dissolution of civil partnership application.
    - (3) On receipt of the appeal, the Clerk of the Sheriff Appeal Court is to fix a hearing and intimate the date, time and place of that hearing to the parties.”.
- (14) In rule 50.5 (access to a recording of a child)(9), after paragraph (2) insert—
  - “(3) An application for leave to appeal against the decision of the sheriff on that motion must be made immediately.”.

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(7) Rule 31.2 was amended by [S.S.I. 2007/6](#).

(8) Rule 31.2A was inserted by [S.S.I. 2008/365](#).

(9) Rule 50.5 was inserted by [S.S.I. 2012/271](#).

- (15) Omit rule 50.6 (incidental appeal against rulings on access to a recording of a child)(**10**).
- (16) In Appendix 1 (forms), omit Form A1 (form of note of appeal to the sheriff principal)(**11**).

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(10) Rule 50.6 was inserted by [S.S.I. 2012/271](#).

(11) Form A1 was inserted by [S.S.I. 1996/2445](#).