Sheriff Appeal Court

New Court User's Guide

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GENERAL

DESIGNATIONS

A person lodging a note of appeal in the Sheriff Appeal Court (Civil) is known as the Appellant while any person who "answers" the appeal is known as the Respondent. There can be multiple Appellants or Respondents within an action.

APPEALABLE DECISIONS

In terms of section 110(1) of the Courts Reform (Scotland) Act 2014 only certain civil decisions of the sheriff are appealable to the Sheriff Appeal Court:

1) a decision of a sheriff constituting **final judgment** (please note that you cannot lodge an appeal until after a decision has been made in relation to the expenses of the action);
2) **granting**, **refusing** or **recalling** an **interim or final interdict**;
3) granting **interim decree for payment of money** (other than a decree for expenses);
4) making an order ***ad factum praestandum***;
5) **sisting** (pausing) an action (refusing to sist an action is not included);
6) **allowing**, **refusing** or **limiting** the mode of **proof**;
7) **refusing a reponing note**.

If the decision is not listed above then permission (also known as "leave") of the sheriff to lodge an appeal may be required. In order to gain the permission of the sheriff further procedure is necessary at the sheriff court and as such it is recommended to seek the advice of the relevant Sheriff Clerk's office. Please be aware that time limits apply to the seeking of permission to appeal.

TIME LIMITS

The usual time limit for lodging a note of appeal against the decision of a sheriff in civil proceedings is now: "within 28 days after the date on which the decision appealed against was given". This is taken to be the date of the sheriff's interlocutor - it is **not** taken as the date on which the decision was received, if given in writing *[see Rule 6.3(1) of the Sheriff Appeal Court Rules 2021 "the SACR"]*

However, this time limit does not apply where the legislation under which the appeal is made specifies a period within which the appeal must be made - for example in certain actions the legislation may state that the appeal should be made within 21 days or 30 days *[see Rule 6.3(2) of the SACR]*. Each individual case is different and as such staff within the SAC office cannot advise parties on time limits within individual cases - the onus is on the appellant to consult the legislation under which the appeal is made and lodge the note of appeal within time.

LODGING A LATE NOTE OF APPEAL

If an appeal is made outwith the specified time period it is considered to be late by the Sheriff Appeal Court and further procedure is required before it can be received formally. In order to bring the appeal before the Court a motion is required *[see page 11 for information regarding motions]*.

The motion should be made in terms of Rule 2.1 of the SACR and should ask the Court for relief from failure to comply with the Rules. The motion should provide a detailed explanation as to why the appeal is being made outwith the specified time limit. The motion must be intimated to all parties who were involved in the proceedings before the sheriff before it is lodged with the Sheriff Appeal Court.

Upon receipt of the completed motion form, completed appeal form and required fee *[see page 16 for information regarding common Court Fees in the Sheriff Appeal Court]* a hearing will be assigned to take place on the next available procedural court. Please be aware that this office will advise the respondent or their agents of the date of the motion hearing regardless of whether the motion is opposed or not.

If the motion is granted and the note of appeal allowed late then the Court will produce an interlocutor (written order) which requires to be sent to the respondent (even if the respondent appeared at the motion hearing) *[see page 7 for information regarding intimation]*.

DOCUMENTS GENERALLY

Note that in terms of the Sheriff Appeal Court Rules 2021 a copy of any document lodged with this office must also be given to every other party in the appeal process. The document must be in the exact same format as lodged with the Court so that all parties have access to the same document at the Appeal Hearing.

SHERIFF APPEAL COURT OFFICE

The administrative office of the civil Sheriff Appeal Court is located within Parliament House, Edinburgh. The staff at this office can assist you with the lodging of your note of appeal and can advise on procedural matters however they will be unable to assist you with any matters of a more legal nature.

The administrative office is open from **9.00am** until **1.00pm** and **2.00pm** until **4.00pm** each day. A list of public and privilege holidays can be found on the **About the Scottish Courts and Tribunals** webpage of www.scotcourts.gov.uk (under *Supreme Courts Edinburgh*).

Correspondence with the team should be by telephone or email in the first instance (SAC.civil@scotcourts.gov.uk / **0131 240 6945** or **0131 240 6888**)

If you require to speak to a member of staff in-person please contact us using the above details to arrange an appointment. If may not be possible to guarantee that a member of staff will be available to meet in-person if an appointment is not made in advance.

COMPLETING THE FORM 6.2

[see page 17 onwards for style forms]

INSTANCE

(the part of the form in which the parties are identified)

The identity and addresses of the parties to the action should be completed at [A.B] and [C.D]. This should mirror the sheriff court process - i.e. a party in the Sheriff Appeal Court retains the title "Pursuer" or "Defender" but becomes "Pursuer and Appellant" or "Pursuer and Respondent" etc.

PART 1

The location of the Sheriff Court and the nature of the decision being appealed against should be filled in as well as the date of the sheriff's order(s). The court reference should be given - this is the same court reference as used in the sheriff court.

PART 2 (GROUNDS OF APPEAL)

This is the main body of the note of appeal in which grounds of appeal are stated in brief numbered paragraphs - **this office cannot assist with this section**. It is not necessary to go into great detail in each numbered paragraph as you will have the opportunity to expand on your points in your Note of Argument (lodged later in the appeal). However, the grounds of appeal should cover every point at issue. It is unlikely that a party will be allowed to address the Court on a point which was not raised in the Note of Appeal without further procedure

PART 3 (AVAILABILITY OF SHERIFF'S NOTE)

Only one of these four options should be selected depending on whether the sheriff has already issued a note in relation to the decision being appealed against. This is most commonly issued to parties as a judgment. The remaining options should be deleted. You can request a note directly from the Sheriff Court yourself or ask that this office request a note. Please be advised that it is extremely unlikely, unless in the most urgent of cases, that the Court would not require a note from the sheriff.

PART 4 (INITIAL CASE MANAGEMENT: APPELLANT'S VIEWS)

This is the opportunity to provide the Court with an opinion on the procedure which you wish the appeal to take. However, the procedure (whether Chapter 7 or Chapter 8) will be a matter for the Court to determine once it has considered the Note of Appeal and any Answers thereto.

CHAPTER 7 PROCEDURE (BEFORE 3 APPEAL SHERIFFS)

An appeal under this procedure will usually take place within Parliament House, Edinburgh before a bench of three Appeal Sheriffs.

The Court will appoint the appeal to the procedure which it considers proportionate for the disposal of the appeal. Accordingly it will have regard to the views expressed by the Appellant(s) and Respondent(s) as well as the value and importance of the claim and the complexity of the issues of fact and law raised.

A formal timetable will be issued to parties in this procedure which outlines the various dates on which each step of process must be completed, such as lodging of documents. It is likely that parties' attendance will be required at one or more Procedural Hearings before the Court decides the case is ready to proceed to an Appeal Hearing. The procedural Appeal Sheriff will decide whether further procedure is necessary at the Procedural Hearing.

The fee for an Appeal Hearing before a bench of three Appeal Sheriffs is currently **£727** for each day.

CHAPTER 8 PROCEDURE (BEFORE 1 APPEAL SHERIFF)

An appeal under this procedure will take place within the same sheriffdom (area of Scotland) in which the sheriff court action took place. It is likely that the Appeal Hearing will take place in the same sheriff court as the original action in order to convenience parties or it may be decided on written submissions only. The Appeal Hearing will take place before one Appeal Sheriff.

Again, the Court will appoint the appeal to the procedure which it considers proportionate for the disposal of the appeal after having regard to parties' views and the complexity of the case. Certain cases are presumed to be more suitable for Chapter 8 Procedure such as those appeals which are against decisions i) of a procedural nature ii) granting decree by default or in absence iii) refusing a reponing note iv) granting interim or summary decree or v) sisting an action.

Although this procedure may be quicker than Chapter 7 Procedure it is not guaranteed *[see page 6 for information regarding Urgent Disposal instead]*. No formal timetable is issued to parties in this procedure - it is likely that the appeal will proceed straight to an Appeal Hearing.

The fee for an Appeal Hearing before one Appeal Sheriff is currently **£292** for each day.

The final decision as to whether the appeal is placed on **Chapter 7 Procedure** or **Chapter 8 Procedure** is one which will be made by the Court.

The Form 6.2 **must** be signed and dated and a copy of the decision being appealed against must also be enclosed.

URGENT DISPOSAL

An appeal which has not yet been appointed to Chapter 7 or Chapter 8 procedure can also be granted Urgent Disposal ("UD"). The Court may order UD of its own accord or on the application of an appellant or respondent. An application for UD is made by motion *[see page 11 for information regarding motions].* An appellant must lodge their motion seeking UD at the same time as the Note of Appeal is lodged. A respondent must lodge their motion seeking UD no later than the expiry of the period for lodging Answers.

The Clerk can also refer an appeal to the Court to consider ordering UD.

It is **mandatory** to seek Urgent Disposal in certain actions where the decision being appealed against concerns an order:

- under section 11(1) of the Children (Scotland) Act 1995 (including but not limited to "contact orders", "residence orders" and "specific issue orders");
- in relation to Adoption;
- in relation to Permanence.

Objection

A party may object to Urgent Disposal in two ways:

1. If the application for UD was made by another party in the action (by motion) then a corresponding Opposition to Motion must be lodged outlining the reason for opposition, together with the requisite court fee *[see page 16 for information regarding fees]*;
2. If the application was made by the Court (either of its own accord or following referral from the Clerk) then the interlocutor proposing UD will provide details on the manner in which the objections may be made as well as the time period in which they may be lodged. These objections may be referred to as "Representations". Please note there is no statutory form for this document and no fee is required.

Once an objection has been received the Court will pronounce an order setting up a hearing or ordering parties to produce written submissions

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It is likely that a case which has been appointed to Urgent Disposal will proceed straight to an Appeal Hearing without calling for a Procedural Hearing first. In such situations please pay careful attention to the Timetable interlocutor which will outline the procedure to be followed including each document which requires to be lodged prior to the Appeal Hearing.

INTIMATION

Chapter 5 of the SACR deals with intimation of documents. Parties must give a copy of any document lodged with the Court to all other parties involved in the appeal. As well as this there are certain occasions when the Court will require proof that intimation has been made on the other party/parties.

On these occasions it is necessary to lodge Form 6.5-A (certificate of intimation) with the Court and to provide proof of intimation - this could be in the form of a post office receipt, a fax transmission, a docquet & signature of the receiving party or a sheriff officer's report.

In terms of the SACR:

Intimation may be given to a person who is not legally represented (also known as a **party litigant**) by:

i) recorded delivery
ii) sheriff officer
    a) personally
    b) in hands of resident
    c) in hands of an employee
    d) if not in: depositing at address/work
    e) if not in: leaving in noticeable place at address/work

Intimation may be given to a **party who is represented by a solicitor** by:

i) recorded delivery
ii) sheriff officer
    a) personally
    b) in hands of resident
    c) in hands of employee
    d) if not in: by depositing at address/work
    e) if not in: by leaving in noticeable place at address/work
iii) personally
iv) delivering by DX or LP if solicitor is a member
v) by first class post
vi) by fax
vii) by email - **only if solicitor has signed up for intimation by email**

Form 6.5-A should be completed and attached to any document which requires it, **along with valid proof of intimation**.

COMPLETING FORM 6.5 (ANSWERS TO NOTE OF APPEAL)

[*see page 17 onwards for style forms*]

INSTANCE

(the part of the form in which the parties are identified)

The identity and addresses of the parties to the action should be completed at [A.B] and [C.D]. This should mirror the sheriff court process - i.e. a party in the Sheriff Appeal Court retains the title "Pursuer" or "Defender" but becomes "Pursuer and Appellant" or "Pursuer and Respondent" etc.

PART 1

The location of the Sheriff Court and the nature of the decision the appellant is appealing against being appealed against should be filled in as well as the date of the sheriff's order(s) and date.

PART 2

This is the main body of the Answers in which Answers to the grounds of appeal are stated in brief numbered paragraphs - **this office cannot assist with this section**. It is not necessary to go into great detail in each numbered paragraph as you will have the opportunity to expand on your points in your Note of Argument (lodged later in the appeal). However, the grounds of appeal should cover every point at issue. It is unlikely that a party will be allowed to address the Court on a point which was not raised in the Note of Appeal.

PART 3

This is the opportunity to provide the Court with an opinion on the procedure which the appeal should take.

LEGISLATION AND PRACTICE NOTE

The Courts Reform Scotland Act 2014

- click the link above or visit www.legislation.gov.uk

The Act of Sederunt (Sheriff Appeal Court Rules) 2021

Sheriff Appeal Court Forms

- click the links above or visit www.scotcourts.gov.uk
- copies of the Sheriff Appeal Court Rules can also be obtained from a public lending library contained in the volume "*Sheriff Court and Sheriff Appeal Court Rules"* published by W.Green.

Sheriff Appeal Court (Civil) Practice Note No. 1 of 2021

- click the link above or visit www.scotcourts.gov.uk

LAY REPRESENTATION AND LAY SUPPORT

Party Litigants can be assisted in the Sheriff Appeal Court by two types of helper:

The first is known as a **Lay Representative** *[see Rule 4.3 of the SACR]* and is a representative who is not a solicitor/legal representative. The Lay Representative can represent a party at one or more specific hearings and can speak on behalf of the party.

In order to apply to the Court for a Lay Representative a party must lodge a motion *[see page 11 for information on lodging motions]* together with a completed Form 4.3 *[see page 17 onwards for style forms]*.

It is important to note that the Lay Representative must not receive any payment or other reward for assisting the party and that any expenses incurred by a party in connection with the Lay Representative are not recoverable expenses.

In a case involving a **company/partnership/association** or other "non-natural person" a party can apply for a Lay Representative to represent the interests of the company instead of a legal representative.

In order to apply to the Court for a Lay Representative in these circumstances a party must lodge a Form in accordance with the Act of Sederunt (Lay Representation for Non-Natural Persons) *[see page 17 onwards for style forms]*. A motion is also required to accompany this form. It is also necessary to provide the Court with an authorisation document - this document should be executed by the Non-Natural Person on headed paper by a director/secretary/member/partner/office-holder depending on the type of Non-Natural Person. More information can be found in the Act of Sederunt (Lay Representation for Non-Natural Persons) 2016. This Act also contains a style form.

The second helper is known as a **Lay Supporter** *[see Rule 4.5 of the SACR]* and is a named person who assists the party by accompanying the party at hearings to provide moral support or take notes or quietly advise on points of law/procedure. The Lay Supporter cannot speak on behalf of the party.

In order to apply to the Court for a Lay Supporter a party must lodge a motion however please note there is no need for any accompanying form.

WRITTEN MOTIONS

For any situation in which a party requests the Court to make an order a motion must be lodged. This document only covers written motions in terms of Chapter 15 of the SACR.

A motion is made to the Court on Form 15.1 of the SACR and together with the Court fee *[see page 16 for information on fees and page 17 onwards for style forms]*.

Before lodging the motion with the Court the lodging party **must** send a copy of the motion to the other party/parties. Intimation is made in terms of Chapter 5 of the SACR *[see page 7 for information on intimation]*.

Once a copy has been sent to the other party/parties the lodging party must complete a Form 6.5-A (certificate of intimation) and enclose it with the motion **within 5 days**. The Court cannot accept a motion without a Form 6.5-A showing that the motion has been given to the other party/parties to the appeal. Proof of intimation must accompany the Form 6.5-A - for example a postal receipt or sheriff officer's report.

Any party receiving a copy of the motion is entitled to lodge opposition. This is done by lodging Form 15.2 with the Court together with Court fee. A form of opposition must be received by the Court within the time limit - this is usually within 7 days after the date of intimation of the motion (please note this time limit can be shortened upon request - it is best to contact the SAC office for advice if you wish to shorten the period of notice of a motion).

If no opposition is received from the receiving party within the time limit the motion is marked as "Unopposed" and is sent to the procedural Appeal Sheriff for consideration. At this stage the procedural Appeal Sheriff may grant the motion, request more information from the lodging party or put the case out to call at a hearing.

If opposition is received the motion will require to call and each party must appear to argue their respective position in relation to the motion. If there is a previously scheduled hearing it is practical for the motion to be dealt with at the start of the hearing as a preliminary matter.

APPEAL PRINT (CHAPTER 7 CASES ONLY)

Rule 7.4 of the Sheriff Appeal Court Rules 2021 concerns the lodging of an Appeal Print.

This document must contain:

1) The Sheriff Court pleadings;
2) The Sheriff Court interlocutors;
3) The Sheriff's note (if available);

1) the "pleadings" of the Sheriff Court action must be complete - ie must contain each parties' statements to the court. These are usually made up of the **Initial Writ** for the pursuer(s) and the **Defences** for the defender(s). In most actions there will be a document known as the **Record** - if this is present in the Sheriff Court process then the most up to date Record should be used as the pleadings.
2) All of the interlocutors (orders of the Court) in the sheriff court action should be included, in date order.
3) the sheriff's note/judgment should be included where this is available. If the sheriff's note is not yet available this can be included in the Appendix to the Appeal Print when it is due to be lodged.

The Print should be put together as one large document containing the above and should be paginated (this can be done by hand) to make it easy for parties and the Court to follow. Each page should be numbered individually and consecutively with the page numbers inserted in a form which can be clearly distinguished from any other pagination within the documents. It may also be helpful to include a contents page for ease of reference. The Appeal Print should be submitted in one PDF or Word document ensuring the document is properly bookmarked.

The front page of the Appeal Print should include the name and address of each party to the original Sheriff Court action (see overleaf).

Once the document is complete the principal Appeal Print must be lodged with the SAC office in Parliament House by email to SAC.civil@scotcourts.gov.uk within the time limit. Note that in terms of the Sheriff Appeal Court Rules 2021 a copy of any document lodged should also be intimated to every other party in the appeal process.

There is no fee for lodging an Appeal Print

APPENDIX TO THE APPEAL PRINT (CHAPTER 7 CASES ONLY)

Rule 7.5 of the Sheriff Appeal Court Rules 2021 concerns the lodging of an Appendix to the Appeal Print.

This document should contain:

1) Any document lodged in the Sheriff Court process **that is founded upon in the grounds of appeal**;

2) The notes of evidence from any proof, **if it is sought to submit them for consideration by the Court**;

3) The Sheriff's note (if it has not already been provided in the Appeal Print);

Both parties are expected to discuss the contents and so far as possible are to co-operate in making up the Appendix. It is the responsibility of the Appellant to lodge this document.

Similar to the Appeal Print, the Appendix should be put together as one large document containing the above and should be paginated (this can be done by hand) to make it easy for parties and the Court to follow. Each page should be numbered individually and consecutively with the page numbers inserted in a form which can be clearly distinguished from any other pagination within the documents. It may also be helpful to include a contents page for ease of reference. The Appendix should be submitted in one PDF or Word document ensuring the document is properly bookmarked.

The front page of the Appendix should include the name and address of each party to the original Sheriff Court action.

Once the document is complete the Appendix must be lodged with the SAC office in Parliament House by email to SAC.civil@scotcourts.gov.uk within the time limit. Note that in terms of the Sheriff Appeal Court Rules 2021 a copy of any document lodged should also be intimated to every other party in the appeal process.

There is no fee for lodging an Appendix.

NOTE OF ARGUMENT

A note of argument is a document which expands on the grounds contained in the Note of Appeal. It is usually lodged no later than 14 days before the Procedural Hearing. The main function of a Note of Argument is to summarise the submissions the party wishes to develop at the Appeal Hearing.

The Note of Argument must be in brief, numbered paragraphs and must specifically identify the page number in any relevant document (such as the Appeal Print or Appendix) on which the party is relying.

If a party intends to cite a legal authority during the course of an Appeal (a legal authority - such as a historic case report *Henderson v Foxworth Investments Ltd* 2014 SC (UKSC) 203) then it must be included in the Note of Argument. A party will not be able to found upon an authority during the Appeal Hearing if it is not mentioned in the Note of Argument. A party must also state the proposition of law that it is believed the authority demonstrates.

If a party becomes aware after the lodging of the Note of Argument that an argument within the Note is not to be insisted upon at the Appeal Hearing the party must give written notice to the Court and every other party. Also, if a party wishes to put forward a new argument that is not contained in the Note of Argument previously lodged the party must apply by motion for leave to advance that argument.

The SAC Practice Note states that it is good practice for parties to exchange draft versions of their Notes of Argument in advance of the date for lodging the Notes with the Court - this gives each party time to answer in their own Note the arguments advanced by the other parties.

Once the document is complete the Note of Argument must be lodged with the appropriate office's email address within the time limit. Note that in terms of the Sheriff Appeal Court Rules 2021 a copy of any document lodged should also be intimated to every other party in the appeal process.

There is no fee for lodging a Note of Argument.

JOINT BUNDLE OF AUTHORITIES

Rule 7.10 of the Sheriff Appeal Court Rules 2021 concerns the lodging of a Joint Bundle of Authorities.

It is the responsibility of the Appellant to lodge a Joint Bundle of Authorities. This bundle should contain copies of the authorities of **each party** which are mentioned in the respective Notes of Argument.

Accordingly, parties are required to consult and co-operate with each other in order to create the Joint Bundle.

The Joint Bundle should not contain any authorities for points that are not in dispute and should certainly not contain more than 10 authorities.

If parties wish to include more than 10 legal authorities a motion asking for this must be lodged with the Court.

Please note this restriction only applies to case reports such as *Henderson v Foxworth Investments Ltd* 2014 SC (UKSC) 203. Excerpts from legislation or technical handbooks or regulations do not count towards the limit.

The Joint Bundle must be assembled in chronological order and should contain an index page. The bundle must be paginated (this can be done by hand) to make it easy for parties and the Court to follow. Each page should be numbered individually and consecutively with the page numbers inserted in a form which can be clearly distinguished from any other pagination within the documents. The Bundle should be submitted in one PDF or Word document ensuring the document is properly bookmarked.

The passages on which each party intends to rely (as should be specified in the Note of Argument) must be highlighted or clearly marked.

Once the document is complete the Joint Bundle must be lodged with the appropriate office's email address within the time limit. Note that in terms of the Sheriff Appeal Court Rules 2021 a copy of any document lodged should also be intimated to every other party in the appeal process.

There is no fee for lodging a Joint Bundle of Authorities.

FEES

The Sheriff Appeal Court Fees Order 2026 (schedule 1)

Court Fees payable in the Sheriff Appeal Court with effect from 01 April 2026

Lodging an appeal or cross appeal	**£143**
Lodging an application for a new civil jury trial or to enter a civil jury verdict	**£143**
Lodging (or Opposing) a Motion or Minute	**£63**
Fixing a hearing* (in the following circumstances):	**£69**
- an appeal hearing fixed in the Chapter 7 procedure	**£69**
- an appeal hearing fixed in the Chapter 8 procedure	**£69**
- a hearing of an application for a new jury trial	**£69**
- a hearing in an appeal from Summary Cause	**£69**
- a hearing in an appeal from Simple Procedure	
Copying fee	**£9**
- each document, up to 10 pages	**50p**
- each further page or part thereof	**£9**
- each document provided in electronic form	
Search fee	**£16**
- per 30 minutes or part thereof	**£16**
- in addition, correspondence fee where applicable	
Lodging an application for **permission to appeal to the Court of Session**	**£143**
Hearing before a single bench payable by the appellant (or in the case of a **cross-appeal** by both the appellant and cross-appellant)	**£292*†**
Hearing before a triple bench payable by the appellant (or in the case of a **cross-appeal** by both the appellant and cross-appellant)	**£727†**
Lodging an Account of Expenses	**£56**

Please note that this list is not exhaustive and there may be other fees due throughout the course of your case. Accordingly, further information can be found on our website at www.scotcourtstribunals.gov.uk. Assistance in relation to exemption from payment of court fees can be obtained from the SAC office staff or our website.

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 1898on (*date*).]

(*Signed*)

[X.Y.], Prospective lay representative

Application for a prospective lay representative to conduct proceedings on behalf of a non-natural person

IN THE SHERIFF APPEAL COURT]

APPLICATION FOR A PROSPECTIVE LAY REPRESENTATIVE TO CONDUCT PROCEEDINGS

in the appeal by

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

PURSUER *or* APPELLANT

against

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

DEFENDER *or* RESPONDENT

1. The (*specify party*) applies for permission for a lay representative (within the meaning of section 95(3) of the Courts Reform (Scotland) Act 2014) to conduct these proceedings on its behalf.

2. The applicant is a company [*or* a limited liability partnership] [*or* a partnership] [*or* an unincorporated association].

3. The applicant is unable to pay for the services of a legal representative (within the meaning of section 95(4) of the Courts Reform (Scotland) Act 2014) to conduct these proceedings because:

   (*State briefly (in numbered paragraphs) the reasons why the applicant is unable to pay.*)

4. The prospective lay representative is (name and address of prospective lay representative).

5. The prospective lay representative holds the following relevant position with the applicant: (*specify the relevant provision (within the meaning of section 95(5) of the Courts Reform (Scotland) Act 2014) held by the prospective lay representative.*)

6. The applicant has authorised the prospective lay representative to conduct these proceedings. An authorisation document (within the meaning of paragraph 2 of the Act of Sederunt (Lay Representation for Non-Natural Persons) 2016) is annexed to this application.

DECLARATIONS BY PROSPECTIVE LAY REPRESENTATIVE

The prospective lay representative declares that:

(a) my responsibilities in my position as (*specify relevant position*) with the applicant do not consist wholly or mainly of conducting legal proceedings on behalf of the (*specify party*) or another person.

(b) I do not have a personal interest, within the meaning of section 97(5) of the Courts Reform (Scotland) Act 2014, in the outcome of the case.

(*Signed*)

[X.Y.], Prospective lay representative

(*Date*)

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*)]

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*)]

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 MANAGERMENT: 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*)]

Style Appeal Print

COURT REFERENCE

IN THE SHERIFF APPEAL COURT

APPEAL PRINT

Pursuer and [Appellant/Respondent]

FULL NAME AND ADDRESS OF PURSUER

against

Defender and [Respondent/Appellant]

FULL NAME AND ADDRESS OF DEFENDER

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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 NOTLEGALLY 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 <u>on or before</u> 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*)]

GLOSSARY

The following list attempts to define in plain English some phrases you may come across in the Sheriff Appeal Court.

ad factum praestandum - (for the performance of an act). This is a court order which requires the performance or fulfilment of some physical act rather than any financial obligation, for example to restore a damaged wall

ad interim - in the meantime; a temporary order

adjustment - this is when the written pleadings are altered in a case, usually during a period authorised by the Court. Parties exchange such adjustments between themselves and usually without lodging them in Court. The Court sees them when adjustment is closed and the final version of the document is then lodged.

advocate - a member of the Scottish Bar - this is the equivalent of the English barrister.

amendment - this is when the written pleadings are altered in a case, only with the permission of the Court, after the adjustment period is closed.

amicus curiae - (friend of the court). This is a person who argues at the request or with the leave of the Court for an unrepresented party or in the public interest

appellant - a person appealing to a higher court from the decision of a lower court

assoilzie - (to absolve). This is the final decision in a civil action in favour of the defender.

Auditor of Court - This is the authorised person who is responsible for the assessment of parties' fees. The Auditor of the Sheriff Appeal Court is also the Auditor of the Court of Session.

authority - a judicial decision, authoritative textbook or statute justifying a proposition or statement of law

avizandum - this means that the Court requires time to consider their decision and prepare a written opinion

caution - financial security lodged with the Court (pronounced "kayshun")

citation - (1) the procedure whereby a person is called to Court to answer an action or give evidence; (2) a reference to a previous case, opinion or authority in support of a legal argument, i.e. where to find it published

common law - law which does not derive from Acts of Parliament etc. It includes law as laid down in judicial decisions and opinions

counsel - a member of the Faculty of Advocates; can be junior or senior (KC)

cross appeal - an appeal which is lodged by the respondent in an ongoing appeal

curator ad litem - a person appointed by the Court to act for another person whose interests have to be safeguarded in legal proceedings

decree - the judgement of a Court in civil proceedings

delectus personae - the choice of a specific person because of personal considerations

esto - a technical term used in written pleadings to introduce a secondary line of defence which accepts (only for the sake of argument) facts which are still in dispute

ex facie - (on the face of it). Something ex facie valid is presumed to be so unless contradicted by evidence

ex parte - (from one side). Proceedings where only one party has had the opportunity of being heard

extract - a formal copy of a decree or other judicial or legal document

in absentia - (in absence). Undefended.

in foro - where an appearance or defence has been entered. The opposite of *in absentia*

in hoc statu - (in this position) a phrase which makes it clear that something is being decided only in light of the facts as known at the time and can be re-opened

incapax - (1) not capable; having legal, mental or physical incapacity (2) a person who is *incapax*

induciae - a period of time allowed in legal proceedings for a person to perform a certain act

instance - the part of the Note of Appeal or other document in which the parties to the action are identified

interdict - an order which prohibits an act or course of action. The equivalent of an English injunction

interlocutor - an order or judgement pronounced by the Court in the course of a civil action. The final interlocutor in the sheriff court is the decree.

jurisdiction - (1) the authority of the Court to hear and decide a particular case (2) the territorial area within which a particular court may exercise that authority

motion - an application made to the Court, either in person or in writing - for some subsdiary purpose during the course of an action

obtemper - to obey, comply with or fulfil a Court order

opinion - the final determination in an appeal in which the Court sets forth their decision and usually the reasons for reaching it

pleadings - the formal written presentation of a party's case in Court in a civil action

prima facie - (on the face of it). At first appearance or sight.

pro non scripto - (as if not written). A phrase which is used to indicate that certain text is to be ignored

quaum primum - forthwith; as soon as possible

quantum - how much, for example damages payable

quoad ultra - (all the rest). In civil actions some facts may be admitted and *quoad ultra* denied

record - the statements of their respective claims and answers by parties to an action, lodged in Court; when finally adjusted it is closed by order of the Court and becomes the closed record; up to then it is the open record. When used in this sense the word bears the accent on the second syllable

res judicata - a case or issue which is decided finally so that it may not be raised again in a litigation between the same parties

remit - the transfer of some matter by one judge to another - for example from the Sheriff Appeal Court to the Court of Session

sine die - (without date). Indefinitely

sist - (1) to stay or stop process (2) to call as a party

taxation - the assessment of a party's account of legal expenses or charges in litigation by the Auditor of Court to establish a fair fee

vexatious litigant - a person who brings proceedings primarily for the purpose of annoying or embarrassing the defender. The Court of Session may prohibit a vexatious litigant from raising proceedings unless approval has first been obtained