SCOTTISH STATUTORY INSTRUMENTS

2002 No. 130

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (No. 2) (Local Government (Scotland) Act 1973) 2002

Made - - - -	*1st March 2002*
Coming into force - -	*8th March 2002*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(**1**) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the Sheriff Courts (Scotland) Act 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (No. 2) (Local Government (Scotland) Act 1973) 2002 and shall come into force on 8th March 2002.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of the principal Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(**2**) shall be amended in accordance with the following paragraphs.

(2) In Chapter 2 (summary application rules), in rule 2.7 (warrants, forms and certificate of citation)–

(a) in paragraph (4)(a)(**3**), after "subject to paragraphs (5) and (7A)(a)," insert "and rule 3.18.3(1) (appeals under section 103J of the Local Government (Scotland) Act 1973) (**4**),"; and

(**1**) 1971 c. 58; section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4), the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2) and the Adults with Incapacity (Scotland) Act 2000 (asp 4), Schedule 5, paragraph 13 and was extended by sections 39(2) and 49 of the Child Support Act 1991 (c. 48).
(**2**) S.I.1999/929, as amended by S.S.I. 2000/148 and 387, 2001/142, and 2002/7 and .
(**3**) Paragraph (4)(a) was amended by paragraph 3(2)(a) of S.S.I. 2002/7.
(**4**) 1973 c. 65. Section 103J was inserted by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7), section 33(3).

(b) in paragraph 4(b)(**5**)–

(i) for "rule" substitute "rules"; and

(ii) after "(service where address of person is not known)" insert "and 3.18.3(2) (appeals under section 103J of the Local Government (Scotland) Act 1973)".

(3) In Chapter 3, after Part XVII (Anti-terrorism, Crime and Security Act 2001)(**6**), insert–

"PART XVIII

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

Application

3.18.1. —This Part applies to appeals to the sheriff principal under section 103J of the Local Government (Scotland) Act 1973 (appeals from the Accounts Commission for Scotland).

Appeals

3.18.2.—(1) An appeal under this Part shall be made by summary application.

(2) A summary application made under paragraph (1) shall include grounds of appeal stating–

(a) the finding or sanction or suspension being appealed;

(b) reasons why the appeal should be allowed; and

(c) the date of sending of the finding or imposition of the sanction or suspension concerned,

and shall be accompanied by a copy of such finding, sanction or suspension.

Warrant and form of citation

3.18.3.—(1) A warrant for citation in an appeal under this Part shall be in Form 2A and shall state–

(a) the date by which answers should be lodged; and

(b) the date and time when the appeal will call.

(2) Citation in respect of a warrant granted under paragraph (1) shall be in Form 3A.

(3) Where a party on whom service has been made lodges answers under paragraph (1)(a) that party shall, at the same time, send a copy to the applicant.".

(4) In Schedule 1 (forms)–

(a) after Form 2 insert Form 2A; and

(b) after Form 3 insert Form 3A,

as set out in the Schedule to this Act of Sederunt.

(**5**) Paragraph (4)(b) was amended by paragraph 3(2)(b) of S.S.I. 2002/7.
(**6**) Inserted by S.S.I. 2002/129.

Edinburgh,
1st March 2002

W DOUGLAS CULLEN
Lord President, I.P.D.