

**2003 No. 346**

**SHERIFF COURT**

**Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Standards Commission for Scotland) 2003**

*Made*

*1st July 2003*

*Coming into force*

*4th July 2003*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(a) 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 that Act, 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 (Standards Commission for Scotland) 2003, and shall come into force on 4th July 2003.

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

**Amendment of the Summary Application Rules**

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(b) is amended in accordance with paragraph (2).

(2) In Chapter 3 (rules on applications under specific statutes), after Part XXII (Anti-social Behaviour Orders)(c), insert—

“PART XXIII

ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000

**Application**

**3.23.1** This Part applies to appeals to the sheriff principal under sections 22 (appeals from commission) or 26 (appeals by water industry commissioner) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(d).

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(a) 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), the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 13, and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43, and was extended by the Child Support Act 1991 (c.48), sections 39(2) and 49.

(b) S.I. 1999/929. Amended by S.S.I. 2000/148 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, and 2003/26, 27, 98, 261 and .

(c) Part XXII was inserted by S.S.I. 2003/ 319.

(d) 2000 asp 7.

## Appeals

**3.23.2**—(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) which of the findings of, or sanction or suspension imposed by, the Standards Commission for Scotland<sup>(a)</sup> is being appealed;
- (b) reasons why the appeal should be allowed; and
- (c) the date of the sending of that finding, or imposition of that sanction or suspension,

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

## Warrant and form of citation

**3.23.3**—(1) A warrant for citation in an appeal under this Part shall be in Form 2A, or a form as near thereto as circumstances permit, 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, or a form as near thereto as circumstances permit.

(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 appellant.”.

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

Edinburgh,  
1st July 2003

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(a) The Standards Commission for Scotland is established by section 8 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7).

## EXPLANATORY NOTE

*(This note is not part of the Act of Sederunt)*

This Act of Sederunt further amends the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 (“the 1999 Rules”).

Article 2 inserts a new Part XXIII into Chapter 3 of the 1999 Rules. The new Part provides rules for procedure for appeals to the sheriff principal under the Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the Act”).

In terms of that Act a councillor, or a member of a devolved public body, or the Water Industry Commissioner, may appeal against a finding of, or the imposition of a sanction or suspension by, the Standards Commission for Scotland.

In the new Part–

- (a) rule 3.23.1 applies that Part to appeals under sections 22 and 26 of the Act;
- (b) rule 3.23.2 provides that an appeal will be by summary application, and that a copy of the finding or other determination appealed against will be provided to the court; and
- (c) rule 3.23.3 provides that forms 2A and 3A (as prescribed by S.S.I. 2002/130) shall be used for warrants and citations respectively, and that any answer by an opponent to an appeal shall be copied to the appellant.

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