



# Court of Session Act 1988

## 1988 CHAPTER 36

### PART V

#### APPEAL AND REVIEW

##### *Appeals and transmissions from sheriff*

### 32 Appeals.

- (1) Where an appeal is taken to the Court from the judgment of the [<sup>F1</sup>Sheriff Appeal Court under section 113 of the Courts Reform (Scotland) Act 2014 or the judgment of a sheriff principal under section 114 of that Act], the record may, with the leave of the Court, be amended at any time on such conditions as to the Court seem proper.
- (2) On any such appeal the Court may, if it thinks fit, remit the cause to the [<sup>F2</sup>Sheriff Appeal Court or, as the case may be, the sheriff principal] with instructions.
- (3) On any such appeal the Court may, if necessary, order proof or additional proof to be taken in accordance with section 37 of this Act and shall thereafter, or without any such order if no such proof or additional proof is necessary, give judgment on the merits of the cause.
- (4) Where such an appeal is taken to the Court from the judgment of the [<sup>F3</sup>Sheriff Appeal Court or, as the case may be, the sheriff principal] proceeding on a proof, the Court shall in giving judgment distinctly specify in its interlocutor the several facts material to the cause which it finds to be established by the proof, and express how far its judgment proceeds on the matter of facts so found, or on matter of law, and the several points of law which it means to decide.
- (5) The judgment of the Court on any such appeal shall be appealable to the [<sup>F4</sup>Supreme Court] only on matters of law.

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*Changes to legislation: Court of Session Act 1988, Cross Heading: Appeals and transmissions from sheriff is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### Textual Amendments

- F1** Words in s. 32(1) substituted (1.1.2016) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 32\(3\)\(a\)](#); S.S.I. 2015/378, art. 2, sch.
- F2** Words in s. 32(2) substituted (1.1.2016) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 32\(3\)\(b\)](#); S.S.I. 2015/378, art. 2, sch.
- F3** Words in s. 32(4) substituted (1.1.2016) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 32\(3\)\(b\)](#); S.S.I. 2015/378, art. 2, sch.
- F4** Words in s. 32(5) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 49\(4\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

### 33 Transmissions from sheriff to Court on ground of contingency.

- (1) The Court shall, on an application made to it, if it is of the opinion that there is contingency between a sheriff court cause and a cause depending before it, grant warrant to the clerk of the sheriff court cause for transmission of that cause to the Court.
- (2) In subsection (1) above “sheriff court cause” means a cause depending before the sheriff principal or the sheriff.
- [<sup>F5</sup>(3) The Court may, on an application by any of the parties, if it is of the opinion that there is contingency between a matter before the Land Court for determination by virtue of the [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55\)](#) or the [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#) and a cause depending before the Court, grant warrant to the clerk of the Land Court for transmission of the case to the Court from the Land Court.]

#### Textual Amendments

- F5** [S. 33\(3\)](#) inserted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp. 11\)](#), [ss. 87\(2\)](#), [95\(3\)](#) (with [s. 95\(2\)](#)); S.S.I 2003/548, {[art. 2\(g\)](#)} (with [art. 3](#), [Sch.](#))

**Changes to legislation:**

Court of Session Act 1988, Cross Heading: Appeals and transmissions from sheriff is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) added by [2024 asp 1 s. 7\(13\)](#)