# 1964 No. 817 (S. 53)

# SHERIFF COURT, SCOTLAND

## Act of Sederunt (Building Appeals) 1964

*Made* - - - - 3*rd June* 1964
*Coming into Operation* 15*th June* 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Building (Scotland) Act 1959(a), do hereby enact and declare as follows:—

**1.** Appeals to the Sheriff under section 16 of the Building (Scotland) Act 1959 shall be by initial writ under the Sheriff Courts (Scotland) Acts 1907(b) and 1913(c), and shall be disposed of as summary applications as defined in the Sheriff Courts (Scotland) Acts.

**2.** The Sheriff may, before considering any such appeal, require the appellant to deposit in Court such sum not exceeding £20 sterling as shall seem proper, to cover the expenses of the appeal.

**3.**—(1) In any such application as is referred to in paragraph 1 hereof the Sheriff may, either *ex proprio motu* or on the motion of either party, nominate a technical assessor to sit with him at the hearing of the application.

(2) The remuneration (if any) to be paid to an assessor nominated under this section shall be determined by the Auditor and shall be paid as part of the expenses of the application.

**4.** In any such application as is referred to in paragraph 1 hereof the Sheriff may find either party liable in expenses.

**5.** This Act of Sederunt may be cited as the Act of Sederunt (Building Appeals) 1964, and shall come into operation on 15th June 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

*J. L. Clyde,*
I.P.D.

Edinburgh,
3rd June 1964.

## EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)*

This Act of Sederunt regulates the procedure on appeals to the Sheriff by persons aggrieved by such a decision of or order by a buildings authority as is referred to in section 16 of the Building (Scotland) Act 1959.

(a) 7 & 8 Eliz. 2. c. 24. (b) 7 Edw. 7. c. 51. (c) 2 & 3 Geo. 5. c. 28.