

Form 40.2

Form of application for leave to appeal

IN THE COURT OF SESSION

APPLICATION

for

LEAVE TO APPEAL

under (*specify provision of enactment under which application is made*)

by

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

Applicant

against

Decision of [*or Refusal of leave to appeal*]

(*name of court or tribunal*)

1. That on (*date*) the (*name of court or tribunal*) refused the application of the applicant for leave to appeal to the Court of Session against its decision of (*date*) refusing [*or decided*] (*briefly describe decision*). A copy of the decision of the (*name of court or tribunal*) [*and of the decision refusing leave to appeal*] is [*or are*] produced with this application.

2. That the reasons given by the (*name of court or tribunal*) for refusing leave to appeal are (*specify*) [*or are set out in the copy of its decision produced with this application*].

3. That the reasons given by the (*name of court or tribunal*) for its decision (*date*) against which leave to appeal is sought are (*specify*) [*or are set out in the copy of the decision produced with this application*].

4. (*in an appeal from an inferior court other than the Sheriff Appeal Court*)

That the grounds on which the applicant seeks leave to appeal to the Court of Session are as follows:- (*set out the grounds in numbered paragraphs.*)

[or

4. (*in an appeal from the Sheriff Appeal Court*)

That the grounds on which the applicant seeks leave to appeal to the Court of Session are as follows:-

The appeal raises an important point of principle or practice (*briefly state the reasons*)

[*or*

The appeal does not raise an important point of principle or practice but there is some other compelling reason for the Court of Session to hear the appeal because (*briefly state the reasons*).]]

5. That the grounds on which the applicant seeks to appeal against the decision of the (*name of court or tribunal*) of (*date*) are as follows:-(*set out the grounds in numbered sub-paragraphs*).

6. That this application is made under (*specify provision of enactment*) and rule 40.2(2) [*or* 41.2(3)] of the Rules of the Court of Session 1994.

IN RESPECT WHEREOF

(*Signed*)

Applicant

[*or* Solicitor [*or* Agent] for applicant]