
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 223

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) 2008**

Interventions in proceedings

- 4.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.
(2) After Chapter 13 insert—

“CHAPTER 13A

INTERVENTIONS BY THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

Interpretation

13A.1. In this Chapter “the CEHR” means the Commission for Equality and Human Rights.

Interventions by the CEHR

13A.2.—(1) The CEHR may apply to the sheriff for leave to intervene in any cause in accordance with this Chapter.

(2) This Chapter is without prejudice to any other entitlement of the CEHR by virtue of having title and interest in relation to the subject matter of any proceedings by virtue of section 30(2) of the Equality Act 2006(1) or any other enactment to seek to be sisted as a party in those proceedings.

(3) Nothing in this Chapter shall affect the power of the sheriff to make such other direction as he considers appropriate in the interests of justice.

(4) Any decision of the sheriff in proceedings under this Chapter shall be final and not subject to appeal.

Applications to intervene

13A.3.—(1) An application for leave to intervene shall be by way of minute of intervention in Form O7A and the CEHR shall—

- (a) send a copy of it to all the parties; and
- (b) lodge it in process, certifying that subparagraph (a) has been complied with.

(2) A minute of intervention shall set out briefly—

- (a) the CEHR’s reasons for believing that the proceedings are relevant to a matter in connection with which the CEHR has a function;
- (b) the issue in the proceedings which the CEHR wishes to address; and
- (c) the propositions to be advanced by the CEHR and the CEHR’s reasons for believing that they are relevant to the proceedings and that they will assist the sheriff.

(3) The sheriff may—

- (a) refuse leave without a hearing;
- (b) grant leave without a hearing unless a hearing is requested under paragraph (4);
- (c) refuse or grant leave after such a hearing.

(4) A hearing, at which the applicant and the parties may address the court on the matters referred to in paragraph (6)(c), may be held if, within 14 days of the minute of intervention being lodged, any of the parties lodges a request for a hearing.

(5) Any diet in pursuance of paragraph (4) shall be fixed by the sheriff clerk who shall give written intimation of the diet to the CEHR and all the parties.

(6) The sheriff may grant leave only if satisfied that—

- (a) the proceedings are relevant to a matter in connection with which the CEHR has a function;
- (b) the propositions to be advanced by the CEHR are relevant to the proceedings and are likely to assist him; and
- (c) the intervention will not unduly delay or otherwise prejudice the rights of the parties, including their potential liability for expenses.

(7) In granting leave the sheriff may impose such terms and conditions as he considers desirable in the interests of justice, including making provision in respect of any additional expenses incurred by the parties as a result of the intervention.

(8) The sheriff clerk shall give written intimation of a grant or refusal of leave to the CEHR and all the parties.

Form of intervention

13A.4.—(1) An intervention shall be by way of a written submission which (including any appendices) shall not exceed 5000 words.

(2) The CEHR shall lodge the submission and send a copy of it to all the parties by such time as the sheriff may direct.

(3) The sheriff may in exceptional circumstances—

- (a) allow a longer written submission to be made;
- (b) direct that an oral submission is to be made.

(4) Any diet in pursuance of paragraph (3)(b) shall be fixed by the sheriff clerk who shall give written intimation of the diet to the CEHR and all the parties.

CHAPTER 13B

INTERVENTIONS BY THE SCOTTISH COMMISSION FOR HUMAN RIGHTS

Interpretation

13B.1. In this Chapter—

- “the Act of 2006” means the Scottish Commission for Human Rights Act 2006; and
- “the SCHR” means the Scottish Commission for Human Rights.

Application to intervene

13B.2.—(1) An application for leave to intervene under section 14(2)(a) of the Act of 2006 shall be by way of minute of intervention in Form O7B and the SCHR shall—

(a) send a copy of it to all the parties; and

(b) lodge it in process, certifying that subparagraph (a) has been complied with.

(2) In granting leave the sheriff may impose such terms and conditions as he considers desirable in the interests of justice, including making provision in respect of any additional expenses incurred by the parties as a result of the intervention.

(3) The sheriff clerk shall give written intimation of a grant or refusal of leave to the SCHR and all the parties.

(4) Any decision of the sheriff in proceedings under this Chapter shall be final and not subject to appeal.

Invitation to intervene

13B.3.—(1) An invitation to intervene under section 14(2)(b) of the Act of 2006 shall be in Form O7C and the sheriff clerk shall send a copy of it to the SCHR and all the parties.

(2) An invitation under paragraph (1) shall be accompanied by—

(a) a copy of the pleadings in the proceedings; and

(b) such other documents relating to those proceedings as the sheriff thinks relevant.

(3) In issuing an invitation under section 14(2)(b) of the Act of 2006, the sheriff may impose such terms and conditions as he considers desirable in the interests of justice, including making provision in respect of any additional expenses incurred by the parties as a result of the intervention.

Form of intervention

13B.4.—(1) An intervention shall be by way of a written submission which (including any appendices) shall not exceed 5000 words.

(2) The SCHR shall lodge the submission and send a copy of it to all the parties by such time as the sheriff may direct.

(3) The sheriff may in exceptional circumstances—

(a) allow a longer written submission to be made;

(b) direct that an oral submission is to be made.

(4) Any diet in pursuance of paragraph (3)(b) shall be fixed by the sheriff clerk who shall give written intimation of the diet to the SCHR and all the parties.”.

(3) In Chapter 44(2)—

(a) after rule 44.1(2) there is inserted—

“(3) In this Chapter “the Commission” means the Commission for Equality and Human Rights.”.

(b) for rule 44.2 (relevant Commission) there is substituted—

“Intimation to Commission

44.2. The pursuer shall send a copy of the initial writ to the Commission by registered or recorded delivery post.”.

(c) rule 44.4 (taxation of Commission expenses) is omitted.

(4) In Appendix 1, after Form O7 insert the forms set out in Schedule 1 to this Act of Sederunt.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
