



# Court of Session Act 1988

## 1988 CHAPTER 36

### PART IV

#### OTHER CAUSES

##### *[<sup>F1</sup>Applications to the supervisory jurisdiction of the Court*

##### **[<sup>F1</sup>27B Requirement for permission**

- (1) No proceedings may be taken in respect of an application to the supervisory jurisdiction of the Court unless the Court has granted permission for the application to proceed.
- (2) Subject to subsection (3), the Court may grant permission under subsection (1) for an application to proceed only if it is satisfied that—
  - (a) the applicant can demonstrate a sufficient interest in the subject matter of the application, and
  - (b) the application has a real prospect of success.
- (3) Where the application relates to [<sup>F2</sup>a relevant Upper Tribunal decision], the Court may grant permission under subsection (1) for the application to proceed only if it is satisfied that—
  - (a) the applicant can demonstrate a sufficient interest in the subject matter of the application,
  - (b) the application has a real prospect of success, and
  - (c) either—
    - (i) the application would raise an important point of principle or practice, or
    - (ii) there is some other compelling reason for allowing the application to proceed.
- (4) The Court may grant permission under subsection (1) for an application to proceed—
  - (a) subject to such conditions as the Court thinks fit,

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*Changes to legislation: Court of Session Act 1988, Section 27B is up to date with all changes known to be in force on or before 08 March 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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- (b) only on such of the grounds specified in the application as the Court thinks fit.
- (5) The Court may decide whether or not to grant permission without an oral hearing having been held.]
- [<sup>F3</sup>(6) In this section, “a relevant Upper Tribunal decision” means—
- (a) a decision of the Upper Tribunal for Scotland in an appeal from the First-tier Tribunal for Scotland under section 46 of the Tribunals (Scotland) Act 2014,
  - (b) a decision of the Upper Tribunal in an appeal from the First-tier Tribunal under section 11 of the Tribunals, Courts and Enforcement Act 2007.]

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**Textual Amendments**

- F1** Ss. 27A-27D and cross-heading inserted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), [ss. 89](#), [138\(2\)](#); [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 4](#))
- F2** Words in [s. 27B\(3\)](#) substituted (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), [arts. 1\(8\)](#), [6\(2\)](#)
- F3** [S. 27B\(6\)](#) inserted (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), [arts. 1\(8\)](#), [6\(3\)](#)
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**Modifications etc. (not altering text)**

- C1** [S. 27B](#) applied (with modifications) (25.12.2023) by [The Public Service Obligations in Transport Regulations 2023 \(S.I. 2023/1369\)](#), [regs. 1\(1\)](#), [24\(5\)](#)

**Changes to legislation:**

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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\(13\)](#)