

*These notes relate to the Courts Reform (Scotland) Act 2014
(asp 18) which received Royal Assent on 10 November 2014*

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Schedule 5 – Modifications of enactments

Part 5 – Judicial review

Paragraph 24 – Tribunals (Scotland) Act 2014

320. This paragraph inserts a new section 57A into the Tribunals (Scotland) Act 2014 which governs the procedural steps to be followed when the Court of Session remits a petition for judicial review to the Upper Tribunal for Scotland under section 57(2) of that Act.
321. Subsection (2) provides that it is for the Upper Tribunal to decide whether the petition has been made timeously and whether or not to grant permission for the petition to proceed under section 27B of the Court of Session Act 1988. (Section 89 of the Act inserts sections 27A-27D into the 1988 Act.) Subsection (3) makes it clear that the Upper Tribunal may exercise the powers conferred by sections 27A to 27C of the Court of Session Act 1988 in relation to time limits and the granting of permission in relation to any petition remitted to it from the Court of Session. Subsection (4) modifies the provisions of sections 27C(3) and (4) of the Act so that the references in those sections to requests for review of a permission decision being dealt with by a different Lord Ordinary are to be read as references to different members of the Tribunal from those who refused or granted permission subject to conditions. A similar provision appears in section 41 of the Revenue Scotland and Tax Powers Act 2014 in relation to the Scottish Tax Tribunals.