



Scottish Commission for Human Rights Act 2006

2006 asp 16

Intervention in civil proceedings

14 Power to intervene

- (1) Subsection (2) applies to civil proceedings before a court, except children's hearing proceedings.
- (2) The Commission may—
 - (a) with leave of the court, or
 - (b) at the invitation of the court,intervene in the proceedings for the purpose of making a submission to the court on an issue arising in the proceedings.
- (3) The Commission may intervene under subsection (2) only if it appears to the Commission that the issue arising in the proceedings—
 - (a) is relevant to its general duty, and
 - (b) raises a matter of public interest.
- (4) An application by the Commission for leave under subsection (2)(a) must set out—
 - (a) the issue arising in the proceedings which the Commission intends to address, and
 - (b) a summary of the submission that the Commission intends to make.
- (5) An invitation under subsection (2)(b) must set out the issue arising in the proceedings upon which the court seeks a submission.
- (6) The court may grant leave for or invite the Commission to intervene under subsection (2) only if it is satisfied that the intervention of the Commission is likely to assist the court.
- (7) Further provision as to the procedure in any intervention under subsection (2), including in particular provision as to the form that any submission by the Commission is to take, may be prescribed by Act of Sederunt.

Status: Point in time view as at 01/04/2008.

Changes to legislation: There are currently no known outstanding effects for the Scottish Commission for Human Rights Act 2006, Cross Heading: Intervention in civil proceedings. (See end of Document for details)

(8) Subsection (2) is without prejudice to the Commission's capacity to intervene in any proceedings before any court or tribunal under an enactment or in accordance with the practice of the court or tribunal.

(9) In subsection (1)—

“civil proceedings” includes inquiries instituted under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14),

“children's hearing proceedings” means any proceedings on an application made to the sheriff, and any other proceedings before the sheriff court or Court of Session (whether on appeal or otherwise), under any provision of Part II of the Children (Scotland) Act 1995 (c. 36) in relation to a children's hearing,

“court” means the Court of Session and sheriff court, both as courts of first instance and appeal, and the Land Court.

Status:

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Changes to legislation:

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