
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 123

**Act of Sederunt (Rules of the Court of Session
Amendment No. 4) (Miscellaneous) 2008**

Scottish Commission for Human Rights

3.—(1) In rule 58.8A of the Rules (judicial review: applications for public interest intervention), after paragraph (1) insert—

“(1A) This rule does not apply to the Scottish Commission for Human Rights (which may instead intervene in accordance with Chapter 95).”.

(2) After Chapter 94 of the Rules(1) insert—

“CHAPTER 95

SCOTTISH COMMISSION FOR HUMAN RIGHTS

Interpretation

95.1. 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.

Reports to the Court of Session under schedules 2 and 3 to the Act of 2006

95.2. A report to the court for the purposes of paragraph 3(3) of schedule 2, or paragraph 3(1) of schedule 3, to the Act of 2006, shall be made by petition.

Application to intervene

95.3.—(1) An application for leave to intervene under section 14(2)(a) of the Act of 2006 shall be by way of a minute of intervention in Form 95.3, and the SCHR shall –

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

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

(2) In granting leave, the court may impose such terms and conditions as it 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) Any decision of the court in proceedings under this Chapter shall be final and not subject to review.

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

Invitation to intervene

95.4.—(1) An invitation to intervene under section 14(2)(b) of the Act of 2006 shall be in Form 95.4, and the clerk of court shall send a copy of it to the SCHR and all the parties.

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

- (a) a copy of the pleadings in the proceedings; and
- (b) such other documents relating to that proceedings as the court thinks relevant.

(3) In issuing an invitation under section 14(2)(b) of the Act of 2006, the court may impose such terms and conditions as it 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

95.5.—(1) An intervention shall be by way of a written submission which (including any appendices) does 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 court may direct.

(3) The court 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 Keeper of the Rolls who shall give written intimation of the diet to the SCHR and all the parties.”