

**2009 No. 109**

**SHERIFF COURT**

**Act of Sederunt (Summary Applications, Statutory Applications  
and Appeals etc. Rules) Amendment (Employment Tribunals  
Act 1996) 2009**

*Made* - - - -

*11th March 2009*

*Coming into force* - -

*1st April 2009*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(a), section 19A(10) of the Employment Tribunals Act 1996(b) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Employment Tribunals Act 1996) 2009 and comes into force on 1st April 2009.

(2) This Act of Sederunt is to be inserted in the Books of Sederunt.

**Employment Tribunals Act 1996: recovery of sums payable under compromises**

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(c) is amended in accordance with subparagraph (2).

(2) After Part XXXVI (UK Borders Act 2007)(d), insert—

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(a) 1971 c.58; section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c.32), section 2(4), the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 13 and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43, and was extended by the Child Support Act 1991 (c.48), sections 39(2) and 49, the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(2) and the Bankruptcy and Diligence (Scotland) Act 2007 (asp 3), section 33.

(b) 1996 c. 17. Section 19A was inserted by section 142 of the Tribunals Courts and Enforcement Act 2007 (c. 15).

(c) S.I. 1999/929, amended by S.S.I. 2000/18 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, 2003/26, 27, 98, 261, 319, 346 and 556, 2004/197, 222, 334 and 455, 2005/61, 473, 504 and 648, 2006/198, 410, 437 and 509, 2007/6, 233, 339, 440 and 463, 2008/9, 41, 111, 223, 335 and 365 and 2009/ .

(d) Part XXXVI was inserted by S.S.I. 2008/365.

**“PART XXXVII**

**EMPLOYMENT TRIBUNALS ACT 1996**

**Conciliation: recovery of sums payable under compromises**

**3.37.1.**—(1) An application to the sheriff for a declaration under section 19A(4) of the Employment Tribunals Act 1996 shall be made not later than 42 days from the date of issue of the certificate stating that a compromise has been reached.

(2) An application to the sheriff for a declaration under section 19A(4) of that Act is pending for the purposes of subsection (7) of that section from the date on which it is lodged with the sheriff clerk until the date upon which final judgment on the application has been extracted.”.

*A C HAMILTON*  
Lord President  
I.P.D.

Edinburgh  
11th March 2009

## **EXPLANATORY NOTE**

*(This note is not part of the Act of Sederunt)*

This Act of Sederunt amends the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 to insert a new Part XXXVII into Chapter 3 which provides rules for an application to the sheriff for a declaration under section 19A of the Employment Tribunals Act 1996 in relation to recovery of sums payable under compromises.

Rule 3.37.1 provides, at paragraph (1), for the time within which an application to the sheriff for a declaration is to be made and, at paragraph (2), for the period during which such an application is pending for the purposes of section 19A(7).

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£4.00