

SCHEDULE 4

MISCELLANEOUS AND GENERAL MATTERS

Interventions

Interventions by the Commission for Equality and Human Rights and the Scottish Commission for Human Rights

10. Paragraphs 11 to 14 apply to—

- (a) interventions in legal proceedings by the Commission for Equality and Human Rights under section 30(1) of the Equality Act 2006⁽¹⁾;
- (b) interventions in civil proceedings by the Scottish Commission for Human Rights under section 14(2) of the Scottish Commission for Human Rights Act 2006⁽²⁾.

Applications to intervene

11.—(1) An application for leave to intervene is to be made in writing.

(2) The participants or the applicant may request a hearing on the application to intervene within 14 days after the application is lodged.

(3) Where a hearing is requested—

- (a) the sheriff is to appoint a date and time for a hearing;
- (b) the sheriff clerk must notify the date and time of the hearing to the participants and the applicant.

(4) Where no hearing is requested, the sheriff may appoint a date and time for a hearing of the sheriff's own accord and the sheriff clerk must notify the date and time of the hearing to the participants and the applicant.

Determination of applications

12.—(1) The sheriff may determine an application for leave to intervene without a hearing, unless a hearing is fixed under paragraph 11(3) or (4).

(2) In an application for leave to intervene under section 30(1) of the Equality Act 2006, the sheriff may grant leave only if satisfied that the proposed submissions are likely to assist the sheriff.

(3) Where the sheriff grants leave to intervene, the sheriff may impose any conditions that the sheriff considers desirable in the interests of the efficient administration of the inquiry.

(4) When an application is determined, the sheriff clerk must notify the participants and the applicant of the outcome.

Invitations to intervene

13.—(1) An invitation to intervene under section 14(2)(b) of the Scottish Commission for Human Rights Act 2006⁽³⁾ is to be in writing.

(2) The sheriff clerk must send a copy of the invitation to the participants and to the Scottish Commission for Human Rights together with—

- (a) a copy of the first order; and

(1) 2006 c.3.
(2) 2006 asp 16.
(3) 2006 c.42.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) any other documents relating to the inquiry that the sheriff considers to be relevant.
- (3) Where the sheriff invites the intervention, the sheriff may impose any conditions that the sheriff considers desirable to further the purpose of the inquiry.

Form of intervention

- 14.**—(1) An intervention is by written submission.
- (2) A written submission (including any appendices) must not exceed 5,000 words.
 - (3) The intervener must lodge the written submission within such time as the sheriff may direct.
 - (4) In exceptional circumstances, the sheriff may allow—
 - (a) a written submission exceeding 5,000 words to be made;
 - (b) an oral submission to be made.
 - (5) Where the sheriff allows an oral submission to be made, the sheriff is to appoint a date and time for the submission to be made.
 - (6) The sheriff clerk must notify that date and time to the participants and the intervener.