

2024 No. 353

COURT OF SESSION

SHERIFF APPEAL COURT

SHERIFF COURT

**Act of Sederunt (Rules of the Court of Session 1994, Sheriff
Appeal Court Rules 2021 and Sheriff Court Rules Amendment)
(Statutory Interveners) 2024**

Made - - - - - *21st November 2024*
Laid before the Scottish Parliament *22nd November 2024*
Coming into force - - - *1st January 2025*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 103(1) and 104(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994, Sheriff Appeal Court Rules 2021 and Sheriff Court Rules Amendment) (Statutory Interveners) 2024.

(2) It comes into force on 1st January 2025.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994(c) are amended in accordance with this paragraph.

(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).
(b) 2014 asp 18.
(c) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2024/323.

(2) For Chapters 94 (interventions by the Commission for Equality and Human Rights)(a) and 95 (Scottish Commission for Human Rights)(b) substitute—

“CHAPTER 94 STATUTORY INTERVENERS

Interpretation and application

94.1.—(1) In this Chapter, “statutory intervener” means a person established by an enactment on whom a power to intervene in proceedings other than by taking part as a party has been conferred by an enactment.

(2) This Chapter is without prejudice to—

- (a) rule 58.14 (additional parties);
- (b) any other entitlement of a statutory intervener to seek to be sisted as a party to proceedings by virtue of any enactment conferring title and interest on it to do so.

Application to intervene

94.2.—(1) This rule applies where an enactment requires a statutory intervener to apply for leave to intervene in proceedings.

(2) An application for leave to intervene in proceedings is to be by way of minute of intervention in Form 94.2 and must set out—

- (a) the name of the statutory intervener and the relevant statutory provisions which confer power on it to intervene;
- (b) where the relevant statutory provisions prescribe conditions which must be satisfied before an application may be made by it or permission to intervene may be granted by the court, how it is considered those conditions are satisfied;
- (c) the issue in the proceedings which the statutory intervener wishes to address;
- (d) the propositions to be advanced by the statutory intervener and the reasons for believing that they are relevant to the proceedings.

(3) The statutory intervener must—

- (a) send a copy of the minute to all the parties;
- (b) lodge it in process, certifying that sub-paragraph (a) has been complied with.

(4) Where the relevant statutory provisions prescribe conditions which must be satisfied before leave to intervene may be granted by the court, leave to intervene may only be granted by the court if it is so satisfied.

(5) 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.

(6) The court is to give written intimation of a grant or refusal of leave to the statutory intervener and all the parties.

Invitation to intervene

94.3.—(1) This rule applies where an enactment makes provision for a statutory intervener to be invited by the court to intervene in proceedings.

(a) Chapter 94 was inserted by S.S.I. 2007/449 and last amended by S.S.I. 2015/228.

(b) Chapter 95 was inserted by S.S.I. 2008/123 and last amended by S.S.I. 2021/434.

(2) Where an enactment requires that the court be satisfied that intervention is likely to assist the court, it may invite an intervention only if it is so satisfied.

(3) An invitation by the court to a statutory intervener to intervene in proceedings is to be in Form 94.3 and the court is to send a copy of it to the statutory intervener and all the parties.

(4) An invitation is to be accompanied by—

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

(5) When issuing an invitation, 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

94.4.—(1) An intervention by a statutory intervener is to be by way of a written submission which (including any appendices) does not exceed 5000 words.

(2) The statutory intervener must 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) Where a diet is fixed pursuant to paragraph (3)(b), the court is to give written intimation of the diet to the statutory intervener and all the parties.”.

(3) In the appendix (forms)(a)—

- (a) after Form 88.7 (form of request for consent to placement of child under Article 56 of Council Regulation (E.C.) No. 2201/2003 of 27th November 2003)(b) insert Form 94.2 (form of minute of intervention by statutory intervener) as set out in Part 1 of schedule 1 of this Act of Sederunt;
- (b) for Form 94.3 (form of minute of intervention by the Commission for Equality and Human Rights)(c) substitute Form 94.3 (invitation to statutory intervener to intervene) as set out in Part 2 of schedule 1 of this Act of Sederunt;
- (c) omit Forms 95.3 (form of minute of intervention by the Scottish Commission for Human Rights)(d) and 95.4 (invitation to the Scottish Commission for Human Rights to intervene).

Amendment of the Sheriff Appeal Court Rules 2021

3.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2021(e) is amended in accordance with this paragraph.

(2) In Chapter 24 (interventions by CEHR and SCHR)—

- (a) for the Chapter heading substitute “STATUTORY INTERVENERS”;
- (b) for rule 24.1 (application and interpretation of this Chapter) substitute—

(a) The appendix was last amended by S.S.I. 2024/195.
(b) Form 88.7 was inserted by S.S.I. 2006/83.
(c) Form 94.3 was inserted by S.S.I. 2007/449.
(d) Forms 95.3 and 95.4 were inserted by S.S.I. 2008/123.
(e) S.S.I. 2021/468, last amended by S.S.I. 2024/323.

“Application of this Chapter

24.1.—(1) This Chapter applies to interventions in proceedings by a person established by an enactment on whom a power to intervene in proceedings other than by taking part as a party has been conferred by an enactment.

(2) This Chapter is without prejudice to any other entitlement of such a person to seek to be sisted as a party to proceedings by virtue of any enactment conferring title and interest on it to do so.”;

- (c) in rule 24.3 (applications to intervene: determination), for paragraph (2) substitute—
“(2) Where an enactment requires that the Court be satisfied that intervention is likely to assist the Court, it may grant leave to intervene only if it is so satisfied.”;
- (d) in rule 24.4 (invitations to intervene)—
(i) for paragraph (1) substitute—
“(1) An invitation from the Court to intervene is to be in Form 24.4.
(1A) Where an enactment requires that the Court be satisfied that intervention is likely to assist the Court, it may invite an intervention only if it is so satisfied.”;
- (ii) for “SCHR” where it occurs substitute “invitee”.
- (3) In schedule 2 (forms)(a)—
(a) for Form 24.2 (application for leave to intervene by the CEHR or SCHR) substitute Form 24.2 (application for leave to intervene) as set out in schedule 2 of this Act of Sederunt;
(b) in Form 24.4 (invitation to the SCHR to intervene)—
(i) in the heading omit “**to the SCHR**”;
(ii) for “THE SCOTTISH COMMISSION FOR HUMAN RIGHTS (“the SCHR”)” substitute “(*insert name of invitee*)”;
(iii) in paragraphs 1 and 3 for “the SCHR” substitute “(*insert name of invitee*)”;
(iv) in paragraph 1 for “section 14(2)(b) of the Scottish Commission for Human Rights Act 2006” substitute “(*insert statutory provision under which the Court invites the invitee*)”.

Amendment of the Ordinary Cause Rules 1993

4.—(1) The Ordinary Cause Rules 1993(b) are amended in accordance with this paragraph.

(2) For Chapters 13A (interventions by the Commission for Equality and Human Rights)(c) and 13B (interventions by the Scottish Commission for Human Rights) substitute—

“CHAPTER 13A

STATUTORY INTERVENERS

Interpretation etc.

13A.1.—(1) In this Chapter, “statutory intervener” means a person established by an enactment on whom a power to intervene in proceedings other than by taking part as a party has been conferred by an enactment.

(a) Schedule 2 was last amended by S.S.I. 2024/195.

(b) The Ordinary Cause Rules 1993 are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956, last amended by S.S.I. 2024/323.

(c) Chapters 13A and 13B were inserted by S.S.I. 2008/223.

(2) This Chapter is without prejudice to any other entitlement of a statutory intervener to seek to be sisted as a party to proceedings by virtue of any enactment conferring title and interest on it to do so.

Application to intervene

13A.2.—(1) This rule applies where an enactment requires a statutory intervener to apply for leave to intervene in proceedings.

(2) An application for leave to intervene in proceedings is to be by way of minute of intervention in Form O7A and must set out—

- (a) the name of the statutory intervener and the relevant statutory provisions which confer power on it to intervene;
- (b) where the relevant statutory provisions prescribe conditions which must be satisfied before an application may be made by it or permission to intervene may be granted by the sheriff, how it is considered those conditions are satisfied;
- (c) the issue in the proceedings which the statutory intervener wishes to address;
- (d) the propositions to be advanced by the statutory intervener and the reasons for believing that they are relevant to the proceedings.

(3) The statutory intervener must—

- (a) send a copy of the minute to all the parties;
- (b) lodge it in process, certifying that sub-paragraph (a) has been complied with.

(4) Where the relevant statutory provisions prescribe conditions which must be satisfied before leave to intervene may be granted by the sheriff, leave to intervene may only be granted by the sheriff if the sheriff is so satisfied.

(5) In granting leave, the sheriff may impose such terms and conditions as the sheriff 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.

(6) The sheriff clerk is to give written intimation of a grant or refusal of leave to the statutory intervener and all the parties.

Invitation to intervene

13A.3.—(1) This rule applies where an enactment makes provision for a statutory intervener to be invited by the sheriff to intervene in proceedings.

(2) Where an enactment requires that the sheriff be satisfied that intervention is likely to assist the sheriff, the sheriff may invite an intervention only if the sheriff is so satisfied.

(3) An invitation by the sheriff to a statutory intervener to intervene in proceedings is to be in Form O7B and the sheriff clerk is to send a copy of it to the statutory intervener and all the parties.

(4) An invitation is to be accompanied by—

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

(5) When issuing an invitation, the sheriff may impose such terms and conditions as the sheriff 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

13A.4.—(1) An intervention by a statutory intervener is to be by way of a written submission which (including any appendices) does not exceed 5000 words.

(2) The statutory intervener must lodge the submission and send a copy of it to all the parties by such time as the sheriff may direct.

(3) The sheriff may in exceptional circumstances—

- (a) allow a longer written submission to be made;
- (b) direct that an oral submission is to be made.

(4) Where a diet is fixed pursuant to paragraph (3)(b), the sheriff clerk is to give written intimation of the diet to the statutory intervener and all the parties.”.

(3) In Appendix 1 (forms)(a)—

- (a) for Form O7A (form of minute of intervention by the Commission for Equality and Human Rights)(b) substitute Form O7A (form of minute of intervention by statutory intervener) as set out in Part 1 of schedule 3 of this Act of Sederunt;
- (b) for Form O7B (form of minute of intervention by the Scottish Commission for Human Rights) substitute Form O7B (invitation to statutory intervener to intervene) as set out in Part 2 of schedule 3 of this Act of Sederunt;
- (c) omit Form O7C (invitation to the Scottish Commissioner for Human Rights to intervene).

Amendment of the Summary Application Rules 1999

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

(2) For rules 2.37 (interventions by the CEHR) to 2.41 (form of intervention)(d), substitute—

“Statutory interveners – interpretation

2.37. In rules 2.38 to 2.40, “statutory intervener” means a person established by an enactment on whom a power to intervene in proceedings other than by taking part as a party has been conferred by an enactment.

Application to intervene

2.38.—(1) This rule applies where an enactment requires a statutory intervener to apply for leave to intervene in proceedings.

(2) An application for leave to intervene in proceedings is to be by way of minute of intervention in Form 11AA and must set out—

- (a) the name of the statutory intervener and the relevant statutory provisions which confer power on it to intervene;
- (b) where the relevant statutory provisions prescribe conditions which must be satisfied before an application may be made by it or permission to intervene may be granted by the sheriff, how it is considered those conditions are satisfied;
- (c) the issue in the proceedings which the statutory intervener wishes to address;
- (d) the propositions to be advanced by the statutory intervener and the reasons for believing that they are relevant to the proceedings.

(3) The statutory intervener must—

- (a) send a copy of the minute to all the parties;
- (b) lodge it in process, certifying that sub-paragraph (a) has been complied with.

(a) Appendix 1 was substituted by S.I. 1993/1956 and last amended by S.S.I. 2023/196.

(b) Forms O7A to O7C were inserted by S.S.I. 2008/223.

(c) S.I. 1999/929, last amended by S.S.I. 2023/223.

(d) Rules 2.37 to 2.41 were inserted by S.S.I. 2008/223.

(4) Where the relevant statutory provisions prescribe conditions which must be satisfied before leave to intervene may be granted by the sheriff, leave to intervene may only be granted by the sheriff if the sheriff is so satisfied.

(5) In granting leave, the sheriff may impose such terms and conditions as the sheriff 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.

(6) The sheriff clerk is to give written intimation of a grant or refusal of leave to the statutory intervener and all the parties.

(7) This rule is without prejudice to any other entitlement of a statutory intervener to seek to be sisted as a party to proceedings by virtue of any enactment conferring title and interest on it to do so.

Invitation to intervene

2.39.—(1) This rule applies where an enactment makes provision for a statutory intervener to be invited by the sheriff to intervene in proceedings.

(2) Where an enactment requires that the sheriff be satisfied that intervention is likely to assist the sheriff, the sheriff may invite an intervention only if the sheriff is so satisfied.

(3) An invitation by the sheriff to a statutory intervener to intervene in proceedings is to be in Form 11AB and the sheriff clerk is to send a copy of it to the statutory intervener and all the parties.

(4) An invitation is to be accompanied by—

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

(5) When issuing an invitation, the sheriff may impose such terms and conditions as the sheriff 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

2.40.—(1) An intervention by a statutory intervener is to be by way of a written submission which (including any appendices) does not exceed 5000 words.

(2) The statutory intervener must lodge the submission and send a copy of it to all the parties by such time as the sheriff may direct.

(3) The sheriff may in exceptional circumstances—

- (a) allow a longer written submission to be made;
- (b) direct that an oral submission is to be made.

(4) Where a diet is fixed pursuant to paragraph (3)(b), the sheriff clerk is to give written intimation of the diet to the statutory intervener and all the parties.”.

(3) In schedule 1 (forms)(a)—

- (a) for Form 11AA (form of minute of intervention by the Commission for Equality and Human Rights)(b) substitute Form 11AA (form of minute of intervention by statutory intervener) in Part 1 of schedule 4 of this Act of Sederunt;
- (b) for Form 11AB (form of minute of intervention by the Scottish Commission for Human Rights) substitute Form 11AB (invitation to statutory intervener to intervene) in Part 2 of schedule 4 of this Act of Sederunt;
- (c) omit Form 11AC (invitation to the Scottish Commission for Human Rights to intervene).

(a) Schedule 1 was last amended by S.S.I. 2023/223.

(b) Forms 11AA to 11AC were inserted by S.S.I. 2008/223.

Amendment of the Summary Cause Rules 2002

6.—(1) The Summary Cause Rules 2002(a) are amended in accordance with this paragraph.

(2) For the title to Chapter 13B (interventions by the Scottish Commission for Human Rights), rules 14A.1 to 14A.4 and Chapter 14B (interventions by the Scottish Commission for Human Rights)(b) substitute—

“CHAPTER 14A

Statutory interveners

Interpretation etc.

14A.1.—(1) In this Chapter, “statutory intervener” means a person established by an enactment on whom a power to intervene in proceedings other than by taking part as a party has been conferred by an enactment.

(2) This Chapter is without prejudice to any other entitlement of a statutory intervener to seek to be sisted as a party to proceedings by virtue of any enactment conferring title and interest on it to do so.

Application to intervene

14A.2.—(1) This rule applies where an enactment requires a statutory intervener to apply for leave to intervene in proceedings.

(2) An application for leave to intervene in proceedings is to be by way of minute of intervention in Form 23a and must set out—

- (a) the name of the statutory intervener and the relevant statutory provisions which confer power on it to intervene;
- (b) where the relevant statutory provisions prescribe conditions which must be satisfied before an application may be made by it or permission to intervene may be granted by the sheriff, how it is considered those conditions are satisfied;
- (c) the issue in the proceedings which the statutory intervener wishes to address;
- (d) the propositions to be advanced by the statutory intervener and the reasons for believing that they are relevant to the proceedings.

(3) The statutory intervener must—

- (a) send a copy of the minute to all the parties;
- (b) lodge it in process, certifying that sub-paragraph (a) has been complied with.

(4) Where the relevant statutory provisions prescribe conditions which must be satisfied before leave to intervene may be granted by the sheriff, leave to intervene may only be granted by the sheriff if the sheriff is so satisfied.

(5) In granting leave, the sheriff may impose such terms and conditions as the sheriff 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.

(6) The sheriff clerk is to give written intimation of a grant or refusal of leave to the statutory intervener and all the parties.

(a) The Summary Cause Rules 2002 are in schedule 1 of the Act of Sederunt (Summary Cause Rules) 2002 (S.S.I. 2002/132), last amended by S.S.I. 2021/226.

(b) Rules 14A.1 to 14A.4 and Chapter 14B were inserted by S.S.I. 2008/223. That instrument erroneously numbered and titled rules 14A.1 to 14A.4 as forming Chapter 13B.

Invitation to intervene

14A.3.—(1) This rule applies where an enactment makes provision for a statutory intervener to be invited by the sheriff to intervene in proceedings.

(2) Where an enactment requires that the sheriff be satisfied that intervention is likely to assist the sheriff, the sheriff may invite an intervention only if the sheriff is so satisfied.

(3) An invitation by the sheriff to a statutory intervener to intervene in proceedings is to be in Form 23b and the sheriff clerk is to send a copy of it to the statutory intervener and all the parties.

(4) An invitation is to be accompanied by—

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

(5) When issuing an invitation, the sheriff may impose such terms and conditions as the sheriff 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

14A.4.—(1) An intervention by a statutory intervener is to be by way of a written submission which (including any appendices) does not exceed 5000 words.

(2) The statutory intervener must lodge the submission and send a copy of it to all the parties by such time as the sheriff may direct.

(3) The sheriff may in exceptional circumstances—

- (a) allow a longer written submission to be made;
- (b) direct that an oral submission is to be made.

(4) Where a diet is fixed pursuant to paragraph (3)(b), the sheriff clerk is to give written intimation of the diet to the statutory intervener and all the parties.”.

(3) In Appendix 1 (forms)(a)—

- (a) for Form 23A (form of minute of intervention by the Commission for Equality and Human Rights)(b) substitute Form 23a (form of minute of intervention by statutory intervener) in Part 1 of schedule 5 of this Act of Sederunt;
- (b) for Form 23B (form of minute of intervention by the Scottish Commission for Human Rights) substitute Form 23b (invitation to statutory intervener to intervene) in Part 2 of schedule 5 of this Act of Sederunt;
- (c) omit Form 23C (invitation to the Scottish Commission for Human Rights to intervene).

Amendment of the Simple Procedure Rules

7.—(1) The Act of Sederunt (Simple Procedure) 2016(c) is amended in accordance with this paragraph.

(2) In paragraph 3(1) (interpretation of the Simple Procedure Rules)(d), after the definition “standard order” insert—

““statutory intervener” means a person established by an enactment on whom a power to intervene in proceedings other than by taking part as a party has been conferred by an enactment;”.

(a) Appendix 1 was last amended by S.S.I. 2017/186.
(b) Forms 23A to 23C were inserted by S.S.I. 2008/223.
(c) S.S.I. 2016/200, last amended by S.S.I. 2022/211.
(d) Paragraph 3(1) was amended by S.S.I. 2016/315.

(3) In rule 17.4 (how can the Commission for Equality and Human Rights (“CEHR”) or the Scottish Commission for Human Rights (“SCHR”) intervene?)—

- (a) for the title substitute “**How can a statutory intervener intervene?**”;
- (b) in paragraph (1), for “The CEHR and the SCHR” substitute “A statutory intervener”;
- (c) in paragraph (4)(a), for “the CEHR or the SCHR” substitute “the statutory intervener”;
- (d) in paragraph (6), for “the CEHR or SCHR” in both places substitute “the statutory intervener”.

(4) In rule 17.5 (what can the CEHR or the SCHR do in an intervention?), for the title substitute “**What can a statutory intervener do in an intervention?**”.

(5) In rule 21.1(1) (glossary)(a), after the entry for “*Simple procedure case*”, insert the word or expression “*Statutory intervener*” and a corresponding meaning “A statutory body with the power to intervene in a simple procedure case.”.

(6) In schedule 2 (forms)(b)—

- (a) in Form 17B (application to intervene)—
 - (i) for “the CEHR and the SCHR” substitute “a statutory intervener”;
 - (ii) for “the Commission for Equality and Human Rights and the Scottish Commission for Human Rights” substitute “a statutory intervener”;
 - (iii) in section B1, for the entries for the Commission for Equality and Human Rights and the Scottish Commission for Human Rights substitute an entry for “Name of statutory intervener”;
 - (iv) in section C, for “Commission” and “Commission’s” where they occur substitute “statutory intervener” and “statutory intervener’s” respectively;
- (b) in Form 17C (invitation to intervene)(c)—
 - (i) for “the Commission for Equality and Human Rights or the Scottish Commission for Human Rights” substitute “a statutory intervener”;
 - (ii) in section B1, for the entries for the Commission for Equality and Human Rights and the Scottish Commission for Human Rights substitute an entry for “Name of statutory intervener”;
 - (iii) in section C2, for “Commission” substitute “the statutory intervener”.

Revocations

8. The following provisions are revoked—

- (a) paragraph 2(12) and (13) (interventions by the Commission for Equality and Human Rights) and the schedule (form) of the Act of Sederunt (Rules of the Court of Session Amendment No.8) (Miscellaneous) 2007(d);
- (b) paragraphs 3 and 4 (Scottish Commission for Human Rights) of the Act of Sederunt (Rules of the Court of Session Amendment No.4) (Miscellaneous) 2008(e);

(a) Rule 21.1(1) was amended by S.S.I. 2018/191.
(b) Schedule 2 was last amended by S.S.I. 2022/211.
(c) Form 17C was amended by S.S.I. 2016/315.
(d) S.S.I. 2007/449.
(e) S.S.I. 2008/123.

(c) paragraphs 4(2) and (4), 5(2) and (4), 6(2) and (4) and 7(2) and (4) (interventions in proceedings) and schedules 1 to 4 (forms) of the Act of Sederunt (Sheriff Court Rules) (Miscellaneous Amendments) 2008^(a).

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
21st November 2024

^(a) S.S.I. 2008/223.

PART 1

FORM 94.2

Rule 94.2(2)

Form of minute of intervention by statutory intervener

APPLICATION FOR LEAVE TO INTERVENE

by

[name of statutory intervener and address]

in the cause

[A.B.] (designation and address), Pursuer [or Petitioner]

against

[C.D.] (designation and address), Defender [or Respondent]

[Here set out briefly:

- (a) the relevant statutory provision(s) which confers power to intervene;*
- (b) where the relevant statutory provision(s) prescribes conditions which must be satisfied before an application may be made by the statutory intervener or permission to intervene may be granted by the court, how it is considered those conditions are satisfied;*
- (c) the issue(s) in the proceedings which the statutory intervener wishes to address;*
- (d) the propositions to be advanced by the statutory intervener and the reasons for believing that they are relevant to the proceedings and, where the statutory provision(s) prescribes it as a condition to be satisfied, will assist the court.]*

PART 2
FORM 94.3

Rule 94.3(3)

Invitation to statutory intervener to intervene

INVITATION TO INTERVENE

to

[name of statutory intervener and address]

in the cause

[A.B.] (designation and address), Pursuer [or Petitioner]

against

[C.D.] (designation and address), Defender [or Respondent]

[Here set out briefly:

- (a) the facts, procedural history and issues in the proceedings;*
- (b) the issue in the proceedings on which the court seeks a submission.]*

Form 24.2

Rule 24.2(1)

Application for leave to intervene

IN THE SHERIFF APPEAL COURT

APPLICATION FOR LEAVE TO INTERVENE

by

(insert name of intervener and address) (“the applicant”)

in the appeal in the cause

[A.B.] *(designation and address)*

PURSUER and [APPELLANT/RESPONDENT]

against

[C.D.] *(designation and address)*

DEFENDER and [RESPONDENT/APPELLANT]

1. The applicant seeks leave to intervene in this appeal under *(insert statutory provision(s) which confers power to intervene)*.
2. *(Where the statutory provision(s) prescribes conditions which must be satisfied before an application may be made by the applicant or permission to intervene may be granted by the Court, how it is considered those conditions are satisfied)*.
3. *(The issue(s) in the proceedings which the applicant wishes to address)*.
4. *(The propositions to be advanced by the applicant and the reasons for believing they are relevant to the proceedings and, where the statutory provision(s) prescribes it as a condition to be satisfied, will assist the court)*.

SCHEDULE 3

Paragraph 4(3)(a) and (b)

PART 1

Form O7A

Rule 13A.2(2)

Form of minute of intervention by statutory intervener

SHERIFFDOM OF *(insert name of sheriffdom)*

Court ref. no.

AT *(insert place of sheriff court)*

APPLICATION FOR LEAVE TO INTERVENE

by

[name of statutory intervener and address]

in the cause

[A.B.] (designation and address), Pursuer

against

[C.D.] (designation and address), Defender

[Here set out briefly:

- (a) the relevant statutory provision(s) which confers power to intervene;*
- (b) where the relevant statutory provision(s) prescribes conditions which must be satisfied before an application may be made by the statutory intervener or permission to intervene may be granted by the sheriff, how it is considered those conditions are satisfied;*
- (c) the issue(s) in the proceedings which the statutory intervener wishes to address;*
- (d) the propositions to be advanced by the statutory intervener and the reasons for believing that they are relevant to the proceedings and, where the statutory provision(s) prescribes it as a condition to be satisfied, will assist the sheriff.]*

PART 2
Form O7B

Rule 13A.3(3)

Invitation to statutory intervener to intervene

SHERIFFDOM OF *(insert name of sheriffdom)*

Court ref. no.

AT *(insert place of sheriff court)*

INVITATION TO INTERVENE

to

[name of statutory intervener and address]

in the cause

[A.B.] (designation and address), Pursuer

against

[C.D.] (designation and address), Defender

[Here set out briefly:

- (a) the facts, procedural history and issues in the proceedings;*
- (b) the issue in the proceedings on which the sheriff seeks a submission.]*

SCHEDULE 4

Paragraph 5(3)(a) and (b)

PART 1

Form 11AA

Rule 2.38(2)

Form of minute of intervention by statutory intervener

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

APPLICATION FOR LEAVE TO INTERVENE

by

[name of statutory intervener and address]

in the cause

[A.B.], *(insert designation and address)*, Pursuer

against

[C.D.], *(insert designation and address)*, Defender

[Here set out briefly:

- (a) the relevant statutory provision(s) which confers power to intervene;*
- (b) where the relevant statutory provision(s) prescribes conditions which must be satisfied before an application may be made by the statutory intervener or permission to intervene may be granted by the sheriff, how it is considered those conditions are satisfied;*
- (c) the issue(s) in the proceedings which the statutory intervener wishes to address;*
- (d) the propositions to be advanced by the statutory intervener and the reasons for believing that they are relevant to the proceedings and, where the statutory provision(s) prescribes it as a condition to be satisfied, will assist the sheriff.]*

PART 2

Form 11AB

Rule 2.39(3)

Invitation to statutory intervener to intervene

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

INVITATION TO INTERVENE

to

[name of statutory intervener and address]

in the cause

[A.B.], *(insert designation and address)*, Pursuer

against

[C.D.], *(insert designation and address)*, Defender

[Here set out briefly:

- (a) the facts, procedural history and issues in the proceedings;*
- (b) the issue in the proceedings on which the sheriff seeks a submission.]*

SCHEDULE 5

Paragraph 6(3)(a) and (b)

PART 1

Rule 14A.2(2)

Form 23a

Form of minute of intervention by statutory intervener

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

APPLICATION FOR LEAVE TO INTERVENE

by

[name of statutory intervener and address]

in the cause

[A.B.] (designation and address), Pursuer

against

[C.D.] (designation and address), Defender

[Here set out briefly:

- (a) the relevant statutory provision(s) which confers power to intervene;*
- (b) where the relevant statutory provision(s) prescribes conditions which must be satisfied before an application may be made by the statutory intervener or permission to intervene may be granted by the sheriff, how it is considered those conditions are satisfied;*
- (c) the issue(s) in the proceedings which the statutory intervener wishes to address;*
- (d) the propositions to be advanced by the statutory intervener and the reasons for believing that they are relevant to the proceedings and, where the statutory provision(s) prescribes it as a condition to be satisfied, will assist the sheriff.]*

PART 2

Rule 14A.3(3)

Form 23b

Invitation to statutory intervener to intervene

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

INVITATION TO INTERVENE

to

[name of statutory intervener and address]

in the cause

[A.B.] (designation and address), Pursuer

against

[C.D.] (designation and address), Defender

[Here set out briefly:

- (a) the facts, procedural history and issues in the proceedings;*
- (b) the issue in the proceedings on which the sheriff seeks a submission.]*

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session 1994, the Sheriff Appeal Court Rules 2021, the Ordinary Cause Rules 1993, the Summary Application Rules 1999, the Summary Cause Rules 2002 and the Simple Procedure Rules to substitute previous, specific, provision about how certain public authorities may intervene in court proceedings using statutory intervention powers conferred on them, for general provision applicable to all statutory persons on whom intervention powers have been conferred by an enactment.

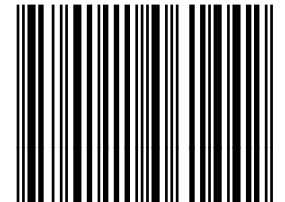
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