

1976 No. 779 (S. 67)**COURT OF SESSION, SCOTLAND****Act of Sederunt (Rules of Court Amendment No. 5)
(Appeals under Social Security Acts) 1976***Made* - - - - 18th May 1976*Coming into Operation* 14th June 1976

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a), section 86 of the Social Security Act 1973(b), sections 94 and 114 of the Social Security Act 1975(c), and section 60 of the Social Security Pensions Act 1975(d) and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No 5) (Appeals under Social Security Acts) 1976, and shall come into operation on 14th June 1976.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

Amendment of Rule 288

2. The Rules of Court(f) are amended by substituting for Rule 288 the following Rule:—

“288. Social Security Acts

(1) This rule applies to the following references and appeals under the Social Security Acts—

- (a) a reference to the Court by the Secretary of State under section 94 or section 114(5) of the Social Security Act 1975;
- (b) an appeal to the Court by an aggrieved person under section 94 or section 114(5) of that Act;
- (c) a reference to the Court by the Occupational Pensions Board under section 86 of the Social Security Act 1973, as amended by the Social Security Pensions Act 1975; and
- (d) an appeal to the Court by an aggrieved person under the said section 86.

(a) 1933 c. 41.
(c) 1975 c. 14.
(e) 1889 c. 63.

(b) 1973 c. 38.
(d) 1975 c. 60.
(f) S.I. 1965/321 (1965 I, p. 803).

(2) A reference or an appeal to which this rule applies, shall be by way of stated case.

(3) An aggrieved person who is entitled to have, and who wishes, a case to be stated under this rule shall, within 21 days of receiving notice of the decision against which he wishes to appeal or within 21 days of being furnished by the Secretary of State with a statement of the grounds of the decision in accordance with the Social Security (Determination of Claims and Questions) Regulations 1975(a), by notice in writing addressed to the Secretary of State, or the Occupational Pensions Board, or the Reserve Pensions Board, as the case may be, require the Secretary of State or the Board to state a case.

(4) An aggrieved person sending a notice under paragraph (3) of this rule shall send a copy of the notice to any other party to the proceedings in which the decision appealed against was made.

(5) Where the Secretary of State or either Board—

(a) receives a notice under paragraph (3) of this rule;

(b) decides to make a reference to the Court to which this rule applies, the Secretary of State or the Board shall state a case specifying the facts found and the decision made as soon as possible, and send it by registered or recorded delivery post to the aggrieved person or as the case may be, the other party or parties to the case.

(6) Subject to the provisions of this rule, rules 277 to 280 shall apply to stated cases under this rule.”

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

G. C. Emslie.
I.P.D.

Edinburgh,
18th May 1976.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt makes provision for the procedure to be followed in certain appeals and references to the Court of Session under the Social Security Acts 1973 and 1975 and the Social Security Pensions Act 1975.

(a) S.I. 1975/558 (1975 I, p. 1956).

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