
STATUTORY INSTRUMENTS

1979 No. 226 (S. 24)**COURT OF SESSION, SCOTLAND****SHERIFF COURT, SCOTLAND****Act of Sederunt (Suspension of Business) 1979**

Made - - - - - 20th February 1979
Coming into Operation 21st February 1979

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) and section 32 of the Sheriff Courts (Scotland) Act 1971(b), and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Suspension of Business) 1979 and shall come into operation on 21st February 1979.

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

Suspension of Business

2.—(1) Where the Lord President is satisfied that by reason of industrial action or proposed industrial action it is not reasonably practicable for the ordinary business of the Court to continue, he may direct that on any day specified in the direction the ordinary business of the Court shall be suspended and shall continue to be suspended for such period, if any, as may be specified in the direction; and any such direction shall have effect in accordance with its terms.

(2) A direction made under sub-paragraph (1) may suspend the ordinary business of the Court—

- (a) in relation to such Court or Courts or such classes of Court;
- (b) in relation to such business or such classes of business,

as the direction may specify.

(3) Such a direction shall be intimated on the walls of any Court to which it applies and may be advertised in such newspapers or journals as the direction may specify.

(4) Any such direction may be varied or revoked by a subsequent direction made by the Lord President or, with his concurrence, by a sheriff principal in respect of his sheriffdom; and sub-paragraphs (2) and (3) shall apply to any such subsequent direction.

Savings

3.—(1) Nothing in this Act of Sederunt shall derogate from the powers of any judge, or any officer of the Court.

(a) 1933 c. 41.

(b) 1971 c. 58.

(2) Subject to sub-paragraph (1), no enactment or rule of law relating to procedure in connection with any business in any Court to which a direction made under paragraph 2 applies shall have effect in respect of any day or period during which any such business is suspended by virtue of such a direction; and no such day or period shall be taken into account for the purpose of any such enactment or rule of law (including any purpose requiring anything to be done within a specified period of time).

(3) Where any order (including interlocutory order) of a Court requires anything to be done or states that something is to happen on a day when business has been suspended under a direction made under this Act of Sederunt, that order shall to that extent have no effect; and that thing shall be done, or shall happen, on such day as the Court may on an application in that behalf, order on the resumption of ordinary business.

(4) In this paragraph—“enactment” includes any practice note issued by the Court; “judge” includes sheriff principal and sheriff.

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

Edinburgh
20th February 1979.

EXPLANATORY NOTE

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

This Act of Sederunt makes provision for the suspension of the business of the Court of Session and the Sheriff Court in the event of industrial action.

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