

## 1980 No. 1754 (S. 151)

## COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of Court Amendment No. 8)  
 (Leave to appeal and appeals from Social Security  
 Commissioners) 1980**

Made - - - - 14th November 1980

Coming into Operation 8th December 1980

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 of all other powers enabling 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 (Rules of Court Amendment No. 8) (Leave to appeal and appeals from Social Security Commissioners) 1980 and shall come into operation on 8th December 1980.

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

*Appeals from Social Security Commissioners*

2. In the Rules of Court(b), after Rule 293A insert the following rule—

**“293B Appeals from Social Security Commissioners**

(1) Subject to the provisions of this rule, rule 290 shall apply to an appeal against a decision of a Commissioner under section 14 of the Social Security Act 1980.

(2) In a case where a Commissioner has granted leave to appeal against such a decision and has specified the Court of Session as the appropriate court under that section, the period within which the appeal has to be lodged under paragraph (a) of rule 290 shall be six weeks commencing on the date on which the appellant was given the decision of the Commissioner granting leave.

(3) In a case where a Commissioner has refused leave to appeal against such a decision and has specified the Court of Session as the appropriate court under that section, an application to the Court for leave to appeal against that decision shall be made—

(a) within a period of six weeks commencing on the date on which the applicant was given the decision refusing leave to appeal;

(b) by lodging in the General Department of the Court an application to the Inner House in the form of a Note stating briefly the nature of and reasons for the application and attaching six copies of the decision against which leave to appeal is sought and six copies of the decision refusing leave to appeal,

and the Division before whom the application comes shall, after intimation in accordance with paragraph (5), dispose of the application summarily.

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(a) 1933 c. 41.

(b) S.I. 1965/321.

(4) Where the Court grants an application for leave to appeal under paragraph (3), the period within which the appeal has to be lodged under paragraph (a) of rule 290 shall be six weeks commencing on the date on which the Court pronounces the interlocutor granting leave.

(5) Where an appeal against a decision of a Commissioner under the said section 14 appears in the single bills for an order for intimation under paragraph (e) of rule 290, the Court shall, in addition to any order for intimation it may make under that paragraph, order intimation to be made on the Secretary of State for Social Services, and if it appears that a person has been appointed by him to pursue a claim for benefit to which the appeal relates, on that person.

(6) In this rule, "Commissioner" and "the appropriate court" have the same meaning as in the said section 14.

Edinburgh  
14th November 1980.

*Emslie,*  
Lord President  
I.P.D.

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#### EXPLANATORY NOTE

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

This Act of Sederunt makes provision for the procedure applicable to applications for leave to appeal and appeals against decisions of Social Security Commissioners under section 14 of the Social Security Act 1980 (c. 30).

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