

SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 14: Power to intervene

52. This section describes the process by which the Commission may intervene in civil proceedings before a court, with the exception of children's hearing proceedings. The Commission may only make a submission to the court on an issue arising in proceedings which the Commission considers are relevant to its general duty and raise a matter of public interest.
53. Such interventions can only be made with leave of or at the invitation of the court – the Commission has no power to intervene in proceedings without the court's permission.
54. When applying for leave to intervene, the Commission must inform the court of the issue arising in the proceedings which the Commission believes to be relevant to its general duty. The Commission is further required to provide the court with a summary of the submission that it intends to make.
55. If the Commission is invited to intervene, then the court must set out the issue arising in the proceedings upon which the court seeks a submission. The court may only grant leave for or invite the Commission to intervene if it is satisfied that such an intervention is likely to assist the court.
56. Further rules relating to the procedure to be followed in an intervention can be made by the Court of Session in an Act of Sederunt.
57. As stated in subsection (8), this section is without prejudice to any capacity of the Commission to intervene in any proceedings before any court or tribunal in terms of any existing enactment or the practice of the court or tribunal.