



Tribunals (Scotland) Act 2014

2014 asp 10

PART 6

REVIEW OR APPEAL OF DECISIONS

CHAPTER 2

SPECIAL JURISDICTION

57 Judicial review cases

- (1) Subsection (2) applies where a petition is made to the Court of Session for judicial review.
- (2) The Court may by order remit the petition to the Upper Tribunal if—
 - (a) both of Conditions A and B are met, and
 - (b) having regard to the functions and expertise of the Tribunal in relation to the subject-matter of the petition, the Court considers that it is appropriate to do so.
- (3) Condition A is that the petition does not seek anything other than the exercise of the Court's judicial review function.
- (4) Condition B is that the petition falls within a category specified by an act of sederunt made by the Court for the purpose of this subsection.

58 Decision on remittal

- (1) The Upper Tribunal is to determine the issues raised in each petition remitted to it under section 57.
- (2) In relation to a petition so remitted, the Upper Tribunal—
 - (a) has the same powers as the Court of Session has on a petition to it for judicial review,
 - (b) is to apply the same principles as the Court applies in the exercise of its judicial review function.

Status: This is the original version (as it was originally enacted).

- (3) An order made by the Upper Tribunal on a petition so remitted has the same effect as an order made by the Court of Session on a petition for judicial review (and the order is therefore enforceable accordingly).
- (4) Subsection (3) does not limit the operation of section 48 in connection with a determination under subsection (1).

59 Additional matters

- (1) Where a petition is remitted to the Upper Tribunal under section 57, any order made or step taken by the Court of Session in relation to the petition is to be treated as if made or taken by the Tribunal (except the order by which the petition is so remitted (or an associated step)).
- (2) Tribunal Rules may make further provision with respect to the exercise by the Upper Tribunal of its functions under this Chapter.

60 Meaning of judicial review

In this Chapter—

- (a) a reference to a petition to the Court of Session for judicial review is to an application to the supervisory jurisdiction of the Court,
- (b) a reference to the exercise of the Court of Session’s judicial review function is to the exercise of the Court’s supervisory jurisdiction (and includes the making of any order in connection with or in consequence of the exercise of that function).