
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 301

HUMAN RIGHTS

**The Human Rights Act 1998
(Jurisdiction) (Scotland) Rules 2000**

Made - - - - 28th August 2000
*Laid before the Scottish
Parliament* - - - - 30th August 2000
Coming into force - - 2nd October 2000

The Scottish Ministers, in exercise of the powers conferred on them by sections 7 and 9 of the Human Rights Act 1998(1), and of all other powers enabling them in that behalf, hereby make the following Rules:

Citation, commencement and extent

1.—(1) These Rules may be cited as the Human Rights Act 1998 (Jurisdiction) (Scotland) Rules 2000 and shall come into force on 2nd October 2000.

(2) These Rules extend to Scotland only.

Interpretation

2. In these Rules, “the Act” means the Human Rights Act 1998.

Proceedings under section 7 of the Act

3. In so far as not determined by any enactment(2), the appropriate court or tribunal for the purposes of section 7(1)(a) of the Act is any civil court or tribunal which has jurisdiction to grant the remedy sought.

Proceedings under section 9 of the Act

4.—(1) The Court of Session is prescribed for the purposes of paragraph (c) of subsection (1) of section 9 of the Act in cases where proceedings in respect of the judicial act in question could not, at any time since the date of that act, have competently been brought under paragraph (a) or (b) of that subsection.

(1) 1998 c. 42; sections 7 and 9 will come into force on 2 October 2000 by virtue of S.I.2000/1851. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) Section 65(2)(a) of the Regulation of Investigatory Powers Act 2000 (2000 c. 23) makes provision in this regard.

Status: This is the original version (as it was originally made). Scottish
Statutory Instruments are not carried in their revised form on this site.

(2) Nothing in section 7 of the Sheriff Courts (Scotland) Act 1907⁽³⁾ shall prevent proceedings being brought in the Court of Session by virtue of paragraph (1) above.

St Andrew's House, Edinburgh
28th August 2000

JAMES R WALLACE
A member of the Scottish Executive

(3) 1907 c. 51; Schedule 1 was substituted by S.I. 1993/1956 and amended by S.I. 1996/2167 and 2445.

EXPLANATORY NOTE

(This note does not form part of the Rules)

These Rules—

- (a) specify, for the purposes of section 7(1)(a) of the Human Rights Act 1998 (“the Act”), the appropriate court or tribunal within which proceedings may be brought (rule 3); and
- (b) prescribe the Court of Session, for the purposes of section 9(1)(c) of the Act, as the forum in which proceedings may be brought that cannot be brought by—
 - (i) exercising a right of appeal; or
 - (ii) raising a petition for judicial review (rule 4).