
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 275

**Act of Sederunt (Rules of the Court of Session
Amendment No. 5) (Miscellaneous) 2012**

Applications for judicial review

- 4.—**(1) The Rules are amended in accordance with the following subparagraphs.
- (2) In rule 58.7 (first order)(1), in paragraph (1)(a)—
- (a) after subparagraph (ii) insert—
- “(ia) a date by which any answers and any relevant documents are to be lodged;”.
- (b) after subparagraph (iii) insert—
- “(iv) a date in advance of the first hearing by which parties are to lodge a statement of issues, if the Lord Ordinary considers it appropriate; or”.
- (3) In rule 58.8 (comparing parties)(2), for “A” substitute “Subject to any order made under rule 58.7, a”.
- (4) After rule 58.11 (discretionary transfer of applications to the Upper Tribunal)(3) insert—

“Transfers to and from this Chapter

- 58.12.—**(1) The Lord Ordinary may—
- (a) at his own instance after hearing the parties; or
- (b) on the motion of a party,
- take the steps mentioned in paragraph (2).
- (2) The steps are—
- (a) if the Lord Ordinary is satisfied that a cause, although made as a petition for judicial review, should in fact proceed as an ordinary action, to order that the cause be withdrawn from the procedure under this Chapter and to appoint it to proceed as an ordinary action; or
- (b) if the Lord Ordinary is satisfied that a cause, although raised as an action, should in fact proceed as an application to the supervisory jurisdiction, to appoint the cause to proceed as a petition for judicial review under this Chapter.
- (3) If the Lord Ordinary makes an order under rule 58.12(2)(a), he may order—
- (a) the pursuer to prepare a minute containing conclusions and pleas in law;
- (b) the defender to prepare a minute containing pleas in law,
- and that those minutes be lodged in process within 7 days.
- (4) If the Lord Ordinary makes an order made under rule 58.12(2)(b), he may order—

(1) Rule 58.7 was substituted by [S.S.I. 2007/548](#).
(2) Rule 58.8 was last amended by [S.S.I. 2007/449](#).
(3) Rule 58.11 was amended by [S.S.I. 2008/349](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the petitioner to prepare a minute stating—
 - (i) the act, decision or omission to be reviewed;
 - (ii) the remedies which the petitioner seeks;
 - (iii) the legal grounds of challenge,and to intimate the minute and lodge it in process within 7 days;
 - (b) the respondent to lodge answers to that minute within 14 days thereafter.
- (5) In each case those minutes, together with the earlier pleadings, shall thereafter comprise the pleadings in the proceedings, subject to such further adjustment or amendment as the court may authorise.”.