
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 356

Act of Sederunt (Sheriff Appeal Court Rules) 2015

PART 6

INCIDENTAL PROCEDURE: SPECIAL PROCEDURES

CHAPTER 22

INTERVENTIONS BY CEHR AND SCHR

Application and interpretation of this Chapter

22.1.—(1) This Chapter applies to—

- (a) interventions in legal proceedings by the CEHR under section 30(1) of the Equality Act 2006⁽¹⁾;
- (b) interventions in civil proceedings (other than children’s hearing proceedings) by the SCHR under section 14(2) of the Scottish Commission for Human Rights Act 2006⁽²⁾.

(2) In this Chapter—

- “the CEHR” means the Commission for Equality and Human Rights;
- “the SCHR” means the Scottish Commission for Human Rights.

Applications to intervene

22.2.—(1) An application for leave to intervene is to be made in Form 22.2.

- (2) Such an application is to be lodged in the process of the appeal to which it relates.
- (3) When an intervener lodges an application, rule 5.2(1) applies as if the intervener were a party.
- (4) The parties may request a hearing on the application to intervene within 14 days after the application is lodged.
- (5) Where a hearing is requested—
 - (a) the Court is to appoint a date and time for a hearing;
 - (b) the Clerk must notify the date and time of the hearing to the parties and the applicant.
- (6) Where no hearing is requested, the Court may appoint a date and time for a hearing of its own accord and the Clerk must notify the date and time of the hearing to the parties and the applicant.

Applications to intervene: determination

22.3.—(1) The Court may determine an application for leave to intervene without a hearing, unless a hearing is fixed under rule 22.2(5) or (6).

(1) 2006 c. 3.

(2) 2006 asp 13. Section 14 was amended by S.S.I. 2013/211, Schedule 1, paragraph 16.

(2) In an application for leave to intervene under section 30(1) of the Equality Act 2006, the Court may grant leave only if it is satisfied that the proposed submissions are likely to assist the Court.

(3) Where the Court grants leave to intervene, it may impose any conditions that it considers desirable in the interests of justice.

(4) In particular, the Court may make provision about any additional expenses incurred by the parties as a result of the intervention.

(5) When an application is determined, the Clerk must notify the parties and the applicant of the outcome.

Invitations to intervene

22.4.—(1) An invitation to intervene under section 14(2)(b) of the Scottish Commission for Human Rights Act 2006 is to be in Form 22.4.

(2) The Clerk must send a copy of Form 22.4 to the parties to the proceedings and to the SCHR.

(3) When the Clerk sends a copy of Form 22.4 to the SCHR, the Clerk must also send—

(a) a copy of the note of appeal and any answers to it;

(b) the appeal print, if it is available;

(c) any other documents relating to the appeal that the Court thinks are relevant.

(4) Where the Court invites the SCHR to intervene, it may impose any conditions that it considers desirable in the interests of justice.

(5) In particular, the Court may make provision about any additional expenses incurred by the parties as a result of the intervention.

Form of intervention

22.5.—(1) An intervention is to be by way of written submission.

(2) A written submission (including any appendices) must not exceed 5,000 words.

(3) The intervener must lodge the written submission within such time as the Court may direct.

(4) In exceptional circumstances, the Court may allow—

(a) a written submission exceeding 5,000 words to be made;

(b) an oral submission to be made.

(5) Where the Court allows an oral submission to be made, it is to appoint a date and time for the submission to be made.

(6) The Clerk must notify that date and time to the parties and the intervener.