
EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 (“the Summary Application Rules”) in consequence of the Electronic Communications Code (Jurisdiction) Regulations 2017 (“the 2017 Regulations”).

Paragraph 2(2) inserts a new Part L, containing new Rules 3.50.1 and 3.50.2, into the Summary Application Rules to make provision concerning certain specified proceedings relating to the electronic communications code (“the code”) which is set out in Schedule 3A of the Communications Act 2003 (“the 2003 Act”).

Schedule 3A of the 2003 Act was inserted by Part 2 of the Digital Economy Act 2017. The code replaces the previous code, set out in Schedule 2 of the Telecommunications Act 1984. The 2017 Regulations permit functions conferred on the court by the code to be exercised, for Scotland, by the Lands Tribunal for Scotland. Regulation 5 of the 2017 Regulations gives the Lands Tribunal for Scotland power to transfer certain specified proceedings to the sheriff court.

Provision is made, on transfer of the proceedings, for the sheriff clerk to record the date of receipt of the documentation in the proceedings, and for the sheriff to make such orders as he or she thinks fit to secure, so far as practicable, that the cause proceeds in accordance with the Summary Application Rules.