



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 1

TRIBUNALS AND INQUIRIES

CHAPTER 2

FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

“Judicial review”

20 Transfer of judicial review applications from the Court of Session

- (1) Where an application is made to the supervisory jurisdiction of the Court of Session, the Court—
 - (a) must, if Conditions 1 [^{F1}and 2 are met, and],
^{F2}(aa)
 - (b) may, if Conditions 1 [^{F3}and 3] are met, but Condition 2 is not, by order transfer the application to the Upper Tribunal.
- (2) Condition 1 is that the application does not seek anything other than an exercise of the supervisory jurisdiction of the Court of Session.
- (3) Condition 2 is that the application falls within a class specified for the purposes of this subsection by act of sederunt made with the consent of the Lord Chancellor.
- (4) Condition 3 is that the subject matter of the application is not a devolved Scottish matter.
- ^{F4}(5)

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Section 20 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F⁴(5A)

- (6) There may not be specified under subsection (3) any class of application which includes an application the subject matter of which is a devolved Scottish matter.
- (7) For the purposes of this section, the subject matter of an application is a devolved Scottish matter if it—
- (a) concerns the exercise of functions in or as regards Scotland, and
 - (b) does not relate to a reserved matter within the meaning of the Scotland Act 1998 (c. 46).
- (8) In subsection (2), the reference to the exercise of the supervisory jurisdiction of the Court of Session includes a reference to the making of any order in connection with or in consequence of the exercise of that jurisdiction.

Textual Amendments

- F1** Words in s. 20(1)(a) substituted (1.11.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 22(2)(a)(i)**, 61(3); [S.I. 2013/2200](#), art. 5
- F2** S. 20(1)(aa) omitted (1.11.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 22(2)(a)(ii)**, 61(3); [S.I. 2013/2200](#), art. 5
- F3** Words in s. 20(1)(b) substituted (1.11.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 22(2)(a)(iii)**, 61(3); [S.I. 2013/2200](#), art. 5
- F4** S. 20(5)(5A) omitted (1.11.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 22(2)(b)**, 61(3); [S.I. 2013/2200](#), art. 5
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Commencement Information

- I1** S. 20 wholly in force at 3.11.2008; s. 20 not in force at Royal Assent see s. 148; s. 20(3)(6)(7) in force at 19.9.2007 by [S.I. 2007/2709](#), **art. 2(a)**; s. 20(1)(2)(4)(5)(8) in force at 3.11.2008 by [S.I. 2008/2696](#), **art. 5(a)**

Changes to legislation:

Tribunals, Courts and Enforcement Act 2007, Section 20 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)