

1976 No. 374 (S. 32)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Proceedings under Sex Discrimination Act 1975) 1976

Made - - - - 5th March 1976

Coming into Operation 1st April 1976

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 32 of the Sheriff Courts (Scotland) Act 1971^(a) and section 75 of the Sex Discrimination Act 1975^(b) and of all other powers competent to them in that behalf do hereby enact and declare:—

Citation, commencement and interpretation

1. This Act of Sederunt may be cited as the Act of Sederunt (Proceedings under Sex Discrimination Act 1975) 1976 and shall come into operation on 1st April 1976.

2.—(1) In this Act of Sederunt “the Act” means the Sex Discrimination Act 1975, and “the Commission” means the Equal Opportunities Commission established under section 53 of the Act.

(2) The Interpretation Act 1889^(c) shall apply for the interpretation of this Act of Sederunt as it applies for the interpretation of an Act of Parliament.

Procedure

3. The following proceedings under the Act shall be commenced by Initial Writ under the Sheriff Courts (Scotland) Acts 1907^(d) and 1913^(e) and shall be disposed of as summary applications as defined in those Acts, namely:—

- (a) an application by the Commission under section 59(4) for an order requiring a person to comply with a notice served on him under section 59(1);
- (b) an appeal by a person under section 68(1) against a requirement of a non-discrimination notice served on him under section 67;
- (c) an application by the Commission under section 71(1) for an order restraining a person from doing any of the acts referred to in that section;
- (d) an application by the Commission under section 72(2) for a decision whether an alleged contravention of section 38, 39 or 40 has occurred;

(a) 1971 c. 58.

(b) 1975 c. 65.

(c) 1889 c. 63.

(d) 1907 c. 51.

(e) 1913 c. 28.

- (e) an application by the Commission under section 72(4) for an order restraining a person from doing any of the acts referred to in that section; and
- (f) an application by a person under section 77(5) for an order removing or modifying any term of a contract made unenforceable by section 77(2).

Taxation

4. The expenses incurred by the Commission within the meaning and for the purposes of section 75(3) of the Act, shall be taxed or assessed by the Auditor of the Sheriff Court in which proceedings under the Act were taken or would have been taken but for any compromise or settlement, as if they were outlays incurred by a solicitor on behalf of the applicant.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

G. C. Emslie

I.P.D.

Edinburgh,
5th March 1976.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt prescribes the procedure to be followed in proceedings in the Sheriff Court under sections 59(4), 68(1), 71(1), 72(2) and (4), and 77(5) of the Sex Discrimination Act 1975 and also provides for the manner of assessment of expenses of the Equal Opportunities Commission under section 75 of the Act.

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