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STATUTORY INSTRUMENTS

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**2006 No. 772**

**The Energy Administration (Scotland) Rules 2006**

**PART 11**

**Miscellaneous and General**

**Power of court to cure defects in procedure**

- 79.**—(1) The court may, on the application of any person having an interest—
- (a) if there has been a failure to comply with any requirement of the 1986 Act, Schedule B1 to the 1986 Act, the 2004 Act or the Rules, make an order waiving any such failure and, so far as practicable, restoring any person prejudiced by the failure to the position he would have been in but for the failure;
  - (b) if for any reason anything required or authorised to be done in, or in connection with, the energy administration proceedings cannot be done, make such order as may be necessary to enable that thing to be done.
- (2) The court, in an order under paragraph (1), may impose such conditions, including conditions as to expenses, as it thinks fit and may—
- (a) authorise or dispense with the performance of any act in the energy administration proceedings;
  - (b) extend or waive any time limit specified in the 1986 Act, Schedule B1 to the 1986 Act, the 2004 Act or the Rules.
- (3) An application under paragraph (1)—
- (a) may at any time be remitted by the sheriff to the Court of Session, of his own accord or on an application by any person having an interest;
  - (b) shall be so remitted, if the Court of Session so directs on an application by any such person, if the sheriff or the Court of Session, as the case may be, considers that the remit is desirable because of the importance or complexity of the matters raised by the application.
- (4) The energy administrator shall record in the sederunt book the decision of the court.