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STATUTORY INSTRUMENTS

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**2015 No. 700**

**The Courts Reform (Scotland) Act 2014 (Consequential Provisions and Modifications) Order 2015**

**Procedural steps where judicial review application transferred from the Court of Session**

7. After section 20 of the Tribunals, Courts and Enforcement Act 2007 (transfer of judicial review applications from the Court of Session), insert—

**“20A. Procedural steps where application transferred**

(1) This section applies where the Court of Session transfers an application under section 20(1)(1).

(2) It is for the Upper Tribunal to determine—

- (a) whether the application has been made timeously, and
- (b) whether to grant permission for the application to proceed under section 27B of the Court of Session Act 1988 (“the 1988 Act”) (requirement for permission).

(3) Accordingly—

- (a) the Upper Tribunal has the same powers in relation to the application as the Court of Session would have had in relation to it under sections 27A to 27C of the 1988 Act<sup>(2)</sup>,
- (b) sections 27C and 27D of that Act apply in relation to a decision of the Upper Tribunal under section 27B(1) of that Act as they apply in relation to such a decision of the Court of Session.

(4) The references in section 27C(3) and (4) of the 1988 Act (oral hearings where permission refused) to a different Lord Ordinary from the one who granted or refused permission are to be read as references to different members of the Tribunal from those of whom it was composed when it refused or granted permission.”.

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(1) Section 20(1) was amended by the Borders, Citizenship and Immigration Act 2009 (c.11), Part 4, section 53(3)(a) and by the Crime and Courts Act 2013 (c.22), Part 2, section 22(2).

(2) Sections 27A to 27D of the Court of Session Act 1988 were inserted by section 89 of the Courts Reform (Scotland) Act 2014.