



# Scottish Commission for Human Rights Act 2006

2006 asp 16

## *Intervention in civil proceedings*

### **14 Power to intervene**

- (1) Subsection (2) applies to civil proceedings before a court, except children's hearing proceedings.
- (2) The Commission may—
  - (a) with leave of the court, or
  - (b) at the invitation of the court,intervene in the proceedings for the purpose of making a submission to the court on an issue arising in the proceedings.
- (3) The Commission may intervene under subsection (2) only if it appears to the Commission that the issue arising in the proceedings—
  - (a) is relevant to its general duty, and
  - (b) raises a matter of public interest.
- (4) An application by the Commission for leave under subsection (2)(a) must set out—
  - (a) the issue arising in the proceedings which the Commission intends to address, and
  - (b) a summary of the submission that the Commission intends to make.
- (5) An invitation under subsection (2)(b) must set out the issue arising in the proceedings upon which the court seeks a submission.
- (6) The court may grant leave for or invite the Commission to intervene under subsection (2) only if it is satisfied that the intervention of the Commission is likely to assist the court.
- (7) Further provision as to the procedure in any intervention under subsection (2), including in particular provision as to the form that any submission by the Commission is to take, may be prescribed by Act of Sederunt.

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**Changes to legislation:** Scottish Commission for Human Rights Act 2006, Cross Heading: Intervention in civil proceedings is up to date with all changes known to be in force on or before 20 May 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

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(8) Subsection (2) is without prejudice to the Commission's capacity to intervene in any proceedings before any court or tribunal under an enactment or in accordance with the practice of the court or tribunal.

(9) In subsection (1)—

“civil proceedings” includes inquiries instituted under the [<sup>F1</sup>Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ],

“children's hearing proceedings” means any proceedings on an application made to the sheriff, and any other proceedings before the sheriff court or Court of Session (whether on appeal or otherwise) [<sup>F2</sup>or in the Sheriff Appeal Court], under any provision of [<sup>F3</sup>the Children's Hearings (Scotland) Act 2011 (asp 1)] in relation to a children's hearing,

“court” means the Court of Session and sheriff court, both as courts of first instance and appeal, [<sup>F4</sup>the Sheriff Appeal Court]and the Land Court.

#### Textual Amendments

- F1** Words in s. 14(9) substituted (15.6.2017) by [Inquiries into Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016 \(asp 2\)](#), s. 42(2), **sch. 2 para. 12**; S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)
- F2** Words in s. 14(9) inserted (1.1.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential and Supplemental Provisions\) Order 2015 \(S.S.I. 2015/402\)](#), art. 1, **Sch. para. 6(a)** (with art. 5)
- F3** Words in s. 14(9) substituted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 16**
- F4** Words in s. 14(9) inserted (1.1.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential and Supplemental Provisions\) Order 2015 \(S.S.I. 2015/402\)](#), art. 1, **Sch. para. 6(b)** (with art. 5)

**Changes to legislation:**

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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. 4A inserted by [2024 asp 1 s. 12\(2\)](#)
- s. 6(2A) inserted by [2024 asp 1 s. 12\(3\)](#)