



# Tribunals (Scotland) Act 2014

## 2014 asp 10

### PART 6

#### REVIEW OR APPEAL OF DECISIONS

### CHAPTER 2

#### SPECIAL JURISDICTION

#### 57 Judicial review cases

- (1) Subsection (2) applies where a petition is made to the Court of Session for judicial review.
- (2) The Court may by order remit the petition to the Upper Tribunal if—
  - (a) both of Conditions A and B are met, and
  - (b) having regard to the functions and expertise of the Tribunal in relation to the subject-matter of the petition, the Court considers that it is appropriate to do so.
- (3) Condition A is that the petition does not seek anything other than the exercise of the Court's judicial review function.
- (4) Condition B is that the petition falls within a category specified by an act of sederunt made by the Court for the purpose of this subsection.

#### Commencement Information

**II** S. 57 in force at 1.4.2015 by [S.S.I. 2015/116, art. 2](#)

#### [<sup>F1</sup>57A Procedural steps where petition remitted

- (1) This section applies where the Court of Session remits a petition for judicial review under section 57(2).
- (2) It is for the Upper Tribunal to determine—

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*Changes to legislation: There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, CHAPTER 2. (See end of Document for details)*

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- (a) whether the petition has been made timeously, and
  - (b) whether to grant permission for the petition 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 petition as the Court of Session would have had in relation to it under sections 27A to 27C of the 1988 Act,
  - (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 refused or granted 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.]

#### **Textual Amendments**

**F1** S. 57A inserted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [Sch. 5 para. 24](#); [S.S.I. 2015/247](#), art. 2, Sch.

## **58 Decision on remittal**

- (1) The Upper Tribunal is to determine the issues raised in each petition remitted to it under section 57.
- (2) In relation to a petition so remitted, the Upper Tribunal—
  - (a) has the same powers as the Court of Session has on a petition to it for judicial review,
  - (b) is to apply the same principles as the Court applies in the exercise of its judicial review function.
- (3) An order made by the Upper Tribunal on a petition so remitted has the same effect as an order made by the Court of Session on a petition for judicial review (and the order is therefore enforceable accordingly).
- (4) Subsection (3) does not limit the operation of section 48 in connection with a determination under subsection (1).

#### **Commencement Information**

**I2** S. 58 in force at 1.4.2015 by [S.S.I. 2015/116](#), art. 2

## **59 Additional matters**

- (1) Where a petition is remitted to the Upper Tribunal under section 57, any order made or step taken by the Court of Session in relation to the petition is to be treated as if made or taken by the Tribunal (except the order by which the petition is so remitted (or an associated step)).

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*Changes to legislation:* There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014, CHAPTER 2. (See end of Document for details)

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- (2) Tribunal Rules may make further provision with respect to the exercise by the Upper Tribunal of its functions under this Chapter.

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**Commencement Information**

**I3** S. 59 in force at 1.4.2015 by [S.S.I. 2015/116](#), **art. 2**

**60**      **Meaning of judicial review**

In this Chapter—

- (a) a reference to a petition to the Court of Session for judicial review is to an application to the supervisory jurisdiction of the Court,
- (b) a reference to the exercise of the Court of Session's judicial review function is to the exercise of the Court's supervisory jurisdiction (and includes the making of any order in connection with or in consequence of the exercise of that function).

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**Commencement Information**

**I4** S. 60 in force at 1.4.2015 by [S.S.I. 2015/116](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Tribunals (Scotland) Act 2014,  
CHAPTER 2.