
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 148

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment 2000

Made - - - - *17th May 2000*
Coming into force - - *3rd July 2000*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971(1), sections 57(6) and 66 of the Race Relations Act 1976(2) and section 8(1) of the Access to Health Records Act 1990(3) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the Sheriff Courts (Scotland) Act 1971, do hereby enact and declare:

Citation, commencement and extent

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) (Amendment) 2000 and shall come into force on 3rd July 2000.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

(3) This Act of Sederunt extends to Scotland only.

Amendment of the Summary Applications, Statutory Applications and Appeals etc. Rules 1999

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(4) shall be amended in accordance with the following paragraph.

(2) In Chapter 3 (rules on applications under specific statutes), after Part XIII (Sex Discrimination Act 1975), insert the following:—

(1) 1971 c. 58; section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4) and the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2).
(2) 1976 c. 74.
(3) 1990 c. 23.
(4) S.I. 1999/929.

“PART XIV

ACCESS TO HEALTH RECORDS ACT 1990

Interpretation and application

3.14.1.—(1) In this Part—

“the Act” means the Access to Health Records Act 1990; and

“the Reg” means the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) (Scotland) Regulations 1991⁽⁵⁾.

(2) This Part applies to applications under section 8(1) of the Act (applications to the court for order to comply with requirement of the Act).

Accompanying documents

3.14.2 An application shall specify those steps prescribed in the Regulations which have been taken by the person concerned to secure compliance with any requirement of the Act, and when lodged in process shall be accompanied by—

- (a) a copy of the application under section 3 of the Act (applications for access to a health record)⁽⁶⁾;
- (b) a copy of the complaint under regulation 3 or 4 of the Regulations (complaint about non-compliance with the Act); and
- (c) if applicable, a copy of the report under regulation 6 of the Regulations (report in response to complaint).

Time of making application

3.14.3 The application shall be made where the applicant—

- (a) has received a report in accordance with regulation 6 of the Regulations, within one year of the date of the report;
- (b) has not received such a report, within 18 months of the date of the complaint.

PART XV

RACE RELATIONS ACT 1976

Interpretation

3.15.1 In this Part—

“the Act” means the Race Relations Act 1976; and

“the Commission” means the Commission for Racial Equality established under section 43 of the Act.

Application

3.15.2 This Part shall apply to the following proceedings under the Act:—

(5) S.I. 1991/2295.

(6) Section 3 was amended by the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 50.

- (a) an application by the Commission under section 50(4) for an order requiring a person to comply with a notice served on him under section 50(1);
- (b) an appeal by a person under section 59(1) against the requirement of a non discrimination notice served on him under section 58;
- (c) an application by the Commission under section 62(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 63(2) for a decision whether an alleged contravention of section 29, 30 or 31 has occurred;
- (e) an application by the Commission under section 63(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 72(5) for an order removing or modifying any term of a contract made unenforceable by section 72(2)(7).

Intimation of proceedings

3.15.3 When any proceedings are brought under section 57 of the Act the applicant shall send by recorded delivery post a copy of the initial writ initiating the action to the Commission.

Taxation

3.15.4 The expenses incurred by the Commission within the meaning and for the purposes of section 66(5) 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.”.

Revocation

3. The Acts of Sederunt mentioned in column (1) of the Schedule to this Act of Sederunt are revoked to the extent specified in column (3) of that Schedule.

Edinburgh
17th May 2000

RODGER OF EARLSFERRY
Lord President, I.P.D.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 3

REVOCATIONS

| <i>(1)</i> <i>Act of Sederunt</i> | <i>(2)</i> <i>Reference</i> | <i>(3)</i> <i>Extent of Revocation</i> |
|--|--------------------------------|---|
| Act of Sederunt (Proceedings under Race Relations Act 1976) 1977 | S.I.1977/975 | The whole Act of Sederunt |
| Act of Sederunt (Access to Health Records Rules) 1991 | S.I. 1991/2607 | The whole Act of Sederunt |

TABLE OF DERIVATIONS

In this Table–

“1977 A.S. (Race Relations)” means the Act of Sederunt (Proceedings under Race Relations Act 1976) 1977;

“1991 A.S. (Health)” means the Act of Sederunt (Access to Health Records Rules) 1991; and

“2000 A.S.” means the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment 2000.

| <i>2000 A.S. Rule</i> | <i>Derivations</i> |
|--|---|
| <i>Chapter 3 – Rules on Applications under Specific Statutes</i> | |
| <i>Part XIV (Access to Health Records Act 1990)</i> | |
| 3.14.1 | 1991 A.S. (Health), rules 1(3) and 2(1) |
| 3.14.2 | 1991 A.S. (Health), rules 2(2) and 2(3) |
| 3.14.3 | 1991 A.S. (Health), rule 3 |
| <i>Part XV (Race Relations Act 1976)</i> | |
| 3.15.1 | 1977 A.S. (Race Relations), rule 1(2) |
| 3.15.2 | 1977 A.S. (Race Relations), rule 2 |
| 3.15.3 | 1977 A.S. (Race Relations), rule 3 |
| 3.15.4 | 1977 A.S. (Race Relations), rule 4 |

TABLE OF DESTINATIONS

In this Table, “1999 Rules” means the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Rule</i> | <i>rule in 1999 Rules</i> |
|---|---------------------------|
| <i>Act of Sederunt (Access to Health Records Rules) 1991 (S.I. 1991/2607)</i> | |
| Rule 1(1) | Omitted |
| Rule 1(2) | Omitted |
| Rule 1(3) | 3.14.1(1) |
| Rule 2(1) | 3.14.1(2) |
| Rule 2(2) | 3.14.2 |
| Rule 2(3) | 3.14.2 |
| Rule 3 | 3.14.3 |
| <i>Act of Sederunt (Proceedings under Race Relations Act 1976) 1977 (S.I. 1977/975)</i> | |
| Rule 1(1) | Omitted |
| Rule 1(2) | 3.15.1 |
| Rule 1(3) | Omitted |
| Rule 2 | 3.15.2 |
| Rule 3 | 3.15.3 |
| Rule 4 | 3.15.4 |

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 by inserting into Chapter 3, new Parts XIV and XV (article 2).

Part XIV contains specific provision in relation to the Access to Health Records Act 1990. Part XV contains specific provision in relation to proceedings under the Race Relations Act 1976. Rules replaced by these rules are revoked by article 3.