
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 350

**Act of Sederunt (Ordinary Cause Rules)
Amendment (Competition Appeal Tribunal) 2004**

Amendment of the Ordinary Cause Rules

2.—(1) The Ordinary Cause Rules in Schedule 1 to the Sheriff Courts (Scotland) Act 1907⁽¹⁾ are amended in accordance with paragraph (2).

(2) After Chapter 41 (Protection from Abuse (Scotland) Act 2001), insert—

“CHAPTER 42

COMPETITION APPEAL TRIBUNAL

Interpretation

42.1. In this Chapter—

“the 1998 Act” means the Competition Act 1998⁽²⁾; and

“the Tribunal” means the Competition Appeal Tribunal established by section 12 of the Enterprise Act 2002.

Transfer of proceedings to the Tribunal

42.2.—(1) A party in proceedings for a monetary claim to which section 47A of the 1998 Act⁽³⁾ applies may apply by motion to the sheriff for an order transferring the proceedings, or any part of them, to the Tribunal.

(2) Where the sheriff orders that such proceedings (or any part of them) are transferred to the Tribunal, the sheriff clerk shall, within 7 days from the date of such order—

(a) transmit the process (or the appropriate part) to the clerk of the Tribunal;

(b) notify each party to the proceedings in writing of the transmission under sub paragraph (a); and

(c) certify, by making an appropriate entry on the interlocutor sheet, that he has made all notifications required under sub paragraph (b).

(3) Transmission of the process under paragraph (2)(a) shall be valid notwithstanding any failure by the sheriff clerk to comply with paragraph (2)(b) and (c).”.

(1) 1907 c. 51. Schedule 1 was substituted by S.I.1993/1956 and amended by S.I. 1996/2167 and 2445, S.S.I. 2000/239 and 408, 2001/8 and 144, 2002/7, 128 and 566, and 2003/25 and 26.

(2) 1998 c. 41.

(3) Section 47A was inserted by the Enterprise Act 2002, section 18.