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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 468**

**Act of Sederunt (Sheriff Appeal Court Rules) 2021**

**PART 6**

**INCIDENTAL PROCEDURE: SPECIAL PROCEDURES**

**CHAPTER 24**

**INTERVENTIONS BY CEHR AND SCHR**

**Application and interpretation of this Chapter**

**24.1.**—(1) This Chapter applies to—

- (a) interventions in legal proceedings by the CEHR under section 30(1) of the Equality Act 2006 (judicial review and other legal proceedings)<sup>(1)</sup>;
- (b) interventions in civil proceedings (other than children’s hearing proceedings) by the SCHR under section 14(2) of the Scottish Commission for Human Rights Act 2006 (power to intervene)<sup>(2)</sup>.

(2) In this Chapter—

- “the CEHR” means the Commission for Equality and Human Rights;
- “the SCHR” means the Scottish Commission for Human Rights.

**Applications to intervene**

**24.2.**—(1) An application for leave to intervene is to be made in Form 24.2.

- (2) Such an application must be lodged in the process of the appeal to which it relates.
- (3) When an application is lodged, rule 5.2(1) applies as if the applicant were a party.
- (4) The parties may request a hearing on the application within 14 days after the application is lodged.
- (5) Where a hearing is requested—
  - (a) the Court must appoint a date and time for a hearing;
  - (b) the Clerk must notify the date and time of the hearing to the parties and the applicant.
- (6) Where no hearing is requested, the Court may appoint a date and time for a hearing of its own accord and the Clerk must notify the date and time of the hearing to the parties and the applicant.

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<sup>(1)</sup> 2006 c.3.

<sup>(2)</sup> 2006 asp 16. Section 14 was amended by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 2, paragraph 12; S.S.I. 2013/211 and S.S.I. 2015/402.

### **Applications to intervene: determination**

**24.3.**—(1) The Court may determine an application for leave to intervene without a hearing, unless a hearing is fixed under rule 24.2(5) or (6).

(2) In an application for leave to intervene under section 30(1) of the Equality Act 2006, the Court may grant leave only if it is satisfied that the proposed submissions are likely to assist the Court.

(3) Where the Court grants leave to intervene, it may impose any conditions that it considers desirable in the interests of justice.

(4) In particular, the Court may make provision about any additional expenses incurred by the parties as a result of the intervention.

(5) When an application is determined, the Clerk must notify the parties and the applicant of the outcome.

### **Invitations to intervene**

**24.4.**—(1) An invitation to intervene under section 14(2)(b) of the Scottish Commission for Human Rights Act 2006 is to be in Form 24.4.

(2) The Clerk must send a copy of Form 24.4 to the parties to the proceedings and to the SCHR.

(3) When the Clerk sends a copy of Form 24.4 to the SCHR, the Clerk must also send—

(a) a copy of the note of appeal and any answers to it;

(b) the appeal print, if it is available;

(c) any other documents relating to the appeal that the Court thinks are relevant.

(4) Where the Court invites the SCHR to intervene, it may impose any conditions that it considers desirable in the interests of justice.

(5) In particular, the Court may make provision about any additional expenses incurred by the parties as a result of the intervention.

### **Form of intervention**

**24.5.**—(1) An intervention is to be by way of written submission.

(2) A written submission (including any appendices) must not exceed 5,000 words.

(3) The intervener must lodge the written submission within such time as the Court may direct.

(4) In exceptional circumstances, the Court may allow—

(a) a written submission exceeding 5,000 words to be made;

(b) an oral submission to be made.

(5) Where the Court allows an oral submission to be made, it must appoint a date and time for the submission to be made.

(6) The Clerk must notify that date and time to the parties and the intervener.