

1977 No. 975 (S. 71)

SHERIFF COURT, SCOTLAND**Act of Sederunt (Proceedings under Race Relations Act 1976)
1977**

Made - - - - - 31st May 1977

Coming into Operation 21st June 1977

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(a), sections 57(6) and 66 of the Race Relations Act 1976(b) and of all other powers competent to them in that behalf do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Proceedings under Race Relations Act 1976) 1977 and shall come into operation on 21st June 1977.

(2) In this Act of Sederunt “the Act” means the Race Relations Act 1976, and “the Commission” means the Commission for Racial Equality established under section 43 of the Act.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Act of Sederunt as it applies for the interpretation of an Act of Parliament.

Procedure

2. The following proceedings under the Act shall be commenced by initial writ under the Sheriff Courts (Scotland) Acts 1907(d) and 1913(e) and shall be disposed of as summary applications as defined in those Acts, namely:—

- (a) an application by the Commission under section 50(4) of 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

(a) 1971 c. 58.
(d) 1907 c. 51.

(b) 1976 c. 74.
(e) 2 & 3 Geo. 5. c. 28.

(c) 1889 c. 63.

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- (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).

Intimation of proceedings

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

Taxation

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.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

G. C. Emslie,
I.P.D.

Edinburgh.

31st May 1977.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt prescribes the procedure to be followed in proceedings in the Sheriff Court under sections 50(4), 59(1), 62(1), 63(2) and (4) and 72(5) of the Race Relations Act 1976, and provides for the manner of assessment of expenses of the Commission for Racial Equality under section 72 of the Act. It also provides for intimation of proceedings to be made to the Commission by sending a copy initial writ by recorded delivery post.

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