SESSION, COURT OF, SCOTLAND

Act of Sederunt (National Insurance Acts, 1946) 1951

1951 No. 568 (S. 28)

Made - - - -	14*th March*, 1951
Coming into Operation	3*rd May*, 1951

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 16 of the Administration of Justice (Scotland) Act, 1933(a), as read along with sections 37 and 90 of the National Insurance (Industrial Injuries) Act, 1946(b), and sections 43 and 79 of the National Insurance Act, 1946(c), and of all other powers competent to them in that behalf, do hereby enact as follows:—

1. The Rules of Court are hereby amended as follows:—

(i) Save in relation to any appeal or reference to the Court of Session with regard to any question arising before the fifth day of July, Nineteen hundred and forty-eight (the day appointed for the commencement of insurance under the National Insurance Acts, 1946) Rule 296 shall cease to have effect.

(ii) the following Rules shall be inserted in Chapter V after Rule 293, under the title "National Insurance Acts, 1946".

293A. (*a*) Notwithstanding the provisions of Rules 285 to 287, any person who is aggrieved by, and is desirous of appealing against a decision of the Minister of National Insurance on such a question of law as is referred to in section 37 of the National Insurance (Industrial Injuries) Act, 1946, or in subsection (4) of section 43 of the National Insurance Act, 1946, may—

(i) within twenty-one days of receiving notice of the decision; or

(ii) within twenty-one days of being furnished by the Minister with a Statement of the grounds of the decision in accordance with the Regulations made under either of the said Acts,

by notice in writing addressed to the Minister of National Insurance, 60 Melville Street, Edinburgh, or to the Lord Advocate, Crown Office, Parliament Square, Edinburgh require the Minister to state a case setting forth the facts on which his decision was based, and his decision thereon, and the Minister shall, as soon as may be, state the case and send it by registered post to the said appellant.

(*b*) Paragraphs (*d*) and (*l*) of Rule 293 shall *mutatis mutandis* apply to Stated Cases under this Rule.

293B. Where the Minister of National Insurance refers to the Court for decision any question of law under section 37 of the National Insurance (Industrial Injuries) Act, 1946 or under subsection (4) of section 43 of the National Insurance Act, 1946, he shall incorporate the facts and the question of law in a stated case and the procedure shall be in accordance with the provisions of Rule 293A *mutatis mutandis*.

(a) 23 & 24 Geo. 5. c. 41. (b) 9 & 10 Geo. 6. c. 62. (c) 9 & 10 Geo. 6. c. 67.

2. This Act of Sederunt may be cited as the Act of Sederunt (National Insurance Acts, 1946) 1951 and shall come into operation on 3rd May 1951.

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

T. M. Cooper,
I.P.D.

Edinburgh, 14th March, 1951.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt provides the procedural machinery for an appeal to the Court of Session against a decision of the Minister of National Insurance on such a question of law as is referred to in section 37 of the National Insurance (Industrial Injuries) Act, 1946 or in subsection (4) of section 43 of the National Insurance Act, 1946, and for a reference to the Court by the Minister for decision of any such question.

Act of Sederunt (Rules of Court Amendment) 1951

1951 No. 505 (S. 20)

Made - - - -	*9th March,* 1951
Coming into Operation	*3rd May,* 1951

THE LORDS OF COUNCIL AND SESSION under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf do hereby enact as follows:—

1. The Rules of Court(b) are hereby amended as follows:—

(i) Rule 115 (*c*) is hereby repealed, and in lieu thereof it shall be enacted as follows:—

"(*c*) The parties shall forthwith proceed to adjust the pleadings, and the case shall appear before one of the Lords Ordinary in the Adjustment Roll on the earliest available day not earlier than the fourth day after the lodging of the Open Record".

(ii) Rule 116 (*a*) is hereby repealed and in lieu thereof it shall be enacted as follows:—

"(*a*) No continuation of the adjustment after the first shall be allowed except on special cause shewn. For the purposes of this paragraph the fact that the parties jointly move for a continuation shall not *per se* be treated as a special cause. In considering the sufficiency of any special cause alleged the Lord Ordinary shall take into consideration any additional time which may have been available for adjustment owing to a vacation having intervened in whole or in part since the lodging of the Open Record. Where no special cause is shewn to the satisfaction of the Lord Ordinary for a further continuation, he shall pro-

(a) 23 & 24 Geo. 5. c. 41. (b) S.I. 1948 (No. 1691) I, p. 3778.