STATUTORY INSTRUMENTS

1974 No. 1603 (S.143)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 4) 1974

Made - - - *24th September* 1974

Coming into Operation *25th September* 1974

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 and declare as follows:—

1. Transfer of Proceedings to the Court of Session under the Trade Union and Labour Relations Act 1974(b) section 21—

(1) All original proceedings transferred to the Court of Session from the National Industrial Relations Court under section 21(2) shall be disposed of by a single Judge nominated for that purpose by the Lord President.

(2) Where such proceedings which were before the National Industrial Relations Court have been transferred from that Court to the Court of Session, the applicant shall lodge a process in usual form in the Court of Session.

(3) If all parties to the application before the National Industrial Relations Court concurred in or consented to, the application, or if no answers have been lodged with that Court by the respondent, the Lord Ordinary may, in his discretion, dispose of the application without proof.

(4) The Court may at any time, before disposal of the application, allow the parties to adjust their pleadings.

(5) Save as herein provided the transferred proceedings shall continue as an ordinary action before the nominated judge in the Court of Session and the provisions of Rules of Court 92 to 113 inclusive shall, where applicable, apply thereto.

(6) Where any appeals to which section 21(4) and 21(5) of the Trade Union and Labour Relations Act 1974 relate have been instituted in and are pending in the National Industrial Relations Court and in

(a) 1933 c. 41. (b) 1974 c. 52

terms of said section fall to be transferred to the Court of Session, they shall be disposed of in the Court of Session by a single judge nominated for that purpose by the Lord President, and the provisions of Rule 290(*a*) to (*g*) shall *mutatis mutandis* apply to such appeals save only that all such appeals when lodged shall forthwith be placed before the nominated judge for such an order as is specified in Rule 290(*e*).

2. The Rules of Court (*a*) are hereby amended as follows:—

(1) By adding at the end of Rule 291(1) the words: "save as is provided in paragraph 3 of this Rule".

(2) By adding at the end of Rule 291 the following paragraph:

"(3) In respect of all appeals from industrial tribunals in Scotland any stated case, and any application in respect of a refusal to state and sign a case, shall be disposed of by a single judge nominated by the Lord President".

(3) Rule 292(*b*) shall be deleted and there shall be substituted therefor:—

"(*b*) From and after the first day of August 1974 all appeals from industrial tribunals in Scotland shall be presented within forty two days after 25th September 1974 or the date on which the document recording the decision or order appealed from was sent to the appellant whichever is the later. Such appeals shall be disposed of by a single judge nominated for that purpose by the Lord President.

(*c*) Subject to the foregoing paragraphs Rule 290 shall apply to such appeals, save only that in respect of such appeals as are referred to in the foregoing paragraph the provisions of Rule 290(*a*) to (*g*) only shall apply and that these appeals when lodged shall forthwith be placed before the nominated judge for such an order as is specified in Rule 290(*e*)".

3. This Act may be cited as the Act of Sederunt (Rules of Court Amendment No. 4) 1974 and shall come into operation on 25th September 1974.

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

G. C. Emslie,
I. P D.

EDINBURGH,
24th September 1974.

(a) S.I. 1965/321 (1965 I, p. 803).

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of Court by making provision for the transfer to the Court of Session, and for the subsequent procedure in the Court of Session, of proceedings commenced in the National Industrial Relations Court before 30th April 1974, and appeals arising out of any proceedings or decision of an industrial tribunal or otherwise referred to in section 21(4) and 21(5) of the 1974 Trade Union and Labour Relations Act and for the disposal by a single judge of the Court of Session of appeals from the decision of an industrial tribunal in Scotland.

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