SCOTTISH STATUTORY INSTRUMENTS

2008 No. 357

COURT OF SESSION

Act of Sederunt (Transfer of Judicial Review Applications from the Court of Session) 2008

Made - - - -	*31st October 2008*
Coming into force - -	*10th November 2008*

The Lords of Council and Session, under and by virtue of the powers conferred by section 20(3) of the Tribunals, Courts and Enforcement Act 2007(**a**) and of all other powers enabling them in that behalf, and having obtained the consent of the Lord Chancellor in accordance with section 20(3) of the said Act of 2007, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Transfer of Judicial Review Applications from the Court of Session) 2008 and shall come into force on 10th November 2008.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Transfer of applications for judicial review from the Court of Session

2. Paragraph 3 specifies a class of application for the purposes of section 20(3) of the Tribunals, Courts and Enforcement Act 2007.

3. The class of application is an application which challenges a procedural decision or a procedural ruling of the First-tier Tribunal, established under section 3(1) of the Tribunals, Courts and Enforcement Act 2007.

A. C. Hamilton
Lord President
I.P.D.

Edinburgh
31st October 2008

(**a**) 2007 c.15.

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes provision specifying, for the purposes of section 20(3) of the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act"), a class of judicial review application which, subject to other conditions being met, must be transferred by the Court of Session to the Upper Tribunal which is established under section 3(2) of the 2007 Act. In terms of section 20(1)(a) of the 2007 Act, an application shall be transferred if three conditions are met. One of those conditions is that the application falls within a class specified for the purposes of section 20(3) by act of sederunt made with the consent of the Lord Chancellor.

The specified class of application is an application challenging a procedural decision or procedural ruling of the First-tier Tribunal, established under section 3(1) of the 2007 Act (paragraphs 2 and 3).

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