1971 No. 1913 (S.205)

INDUSTRIAL RELATIONS

The Industrial Court (Appeals) (Scotland) Order 1971

Laid before Parliament in draft

Made - - - *24th November* 1971

Coming into Operation *1st December* 1971

In exercise of the powers conferred on me by section 114(3) and (4) of the Industrial Relations Act 1971(**a**), I hereby make the following order, a draft of which has been laid before Parliament and approved by resolution of each House :—

Citation and commencement

1. This order may be cited as the Industrial Court (Appeals) (Scotland) Order 1971 and shall come into operation on 1st December 1971.

2. The Interpretation Act 1889(**b**) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Appeals from Industrial Tribunals to Industrial Court

3. An appeal on a question of law arising in any proceedings before, or arising from any decision of, an industrial tribunal in Scotland—

(*a*) under the Contracts of Employment Act 1963(**c**); or

(*b*) under the Redundancy Payments Act 1965(**d**); or

(*c*) under the Equal Pay Act 1970(**e**); or

(*d*) on a complaint under the Industrial Relations Act 1971

shall, subject to paragraph 6 of this order, lie to the Industrial Court and shall not lie to any other court.

Supplementary

4. Subject to paragraph 6 of this order, section 13(1) as read with section 13(6) of the Tribunals and Inquiries Act 1971(**f**) (which confers on parties to proceedings before certain tribunals a right to appeal to the Court of Session on a point of law, or to require the tribunal to state a case for the opinion of the Court of Session) shall not apply to proceedings before an industrial tribunal in Scotland exercising any of the jurisdictions mentioned in paragraph 3 of this order.

(**a**) 1971 c. 72.
(**b**) 1889 c. 63.
(**c**) 1963 c. 49.
(**d**) 1965 c. 62.
(**e**) 1970 c. 41.
(**f**) 1971 c. 62.

Transitional Provisions

5.—(1) Without prejudice to paragraph 6 of this order, any appeal to, or case stated for the opinion of, the Court of Session arising out of any such decision or proceedings as are mentioned in paragraph 3 of this order which is pending in the Court of Session on 1st December 1971 shall on that date be transferred to the Industrial Court and be dealt with as if it had been an appeal instituted in accordance with Industrial Court Rules on the date on which it was lodged in the Court of Session.

(2) The Industrial Court shall have the same power to award expenses in respect of an appeal (or case stated) transferred to it by virtue of sub-paragraph (1) above as the Court of Session would have had in respect of such an appeal (or case stated) if it had not been so transferred.

Savings

6. Nothing in this order shall apply to an appeal, or the statement of a case, in respect of any decision made before 1st December 1971 if the Court of Session has, before that date, entered upon the consideration of the appeal or of the case.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
24th November 1971.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Order confers on parties to proceedings before industrial tribunals in Scotland a right to appeal on a question of law to the Industrial Court, instead of the Court of Session, from a decision under the Contracts of Employment Act 1963 or the Redundancy Payments Act 1965 or the Equal Pay Act 1970, or on a complaint under the Industrial Relations Act 1971.