
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 386

SHERIFF COURT

**Act of Sederunt (Summary Applications,
Statutory Applications and Appeals etc. Rules
Amendment) (Illegal Working Orders) 2017**

Made - - - - *8th November 2017*
Laid before the Scottish
Parliament - - - - *10th November 2017*
Coming into force - - *1st December 2017*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(1), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by section 104(1) of the Courts Reform (Scotland) Act 2014(2) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules Amendment) (Illegal Working Orders) 2017.

(2) It comes into force on 1st December 2017.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Summary Application Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(3) is amended in accordance with this paragraph.

(2) After Part XLVIII (trafficking and exploitation orders)(4) of Chapter 3 (rules on applications under specific statutes) insert—

(1) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).
(2) 2014 asp 18.
(3) S.I. 1999/929, last amended by S.S.I. 2017/242.
(4) Part XLVIII was inserted by S.S.I. 2017/211.

“PART XLIX ILLEGAL WORKING ORDERS

Interpretation

3.49.1. In this Part—

“the Act” means the Immigration Act 2016(5);

“application for compensation” means an application for compensation under paragraph 15 of schedule 6 of the Act; and

“illegal working compliance order” means an order made under paragraph 5 of schedule 6 of the Act.

Applications in relation to illegal working

3.49.2.—(1) An application under any of the following paragraphs of schedule 6 of the Act—

(a) paragraph 7 (extension of illegal working compliance orders);

(b) paragraph 8 (variation or discharge of illegal working compliance orders);

(c) paragraph 12 (access to other premises); and

(d) paragraph 13 (reimbursement of costs),

is to be made by minute in the process relating to the illegal working compliance order.

(2) A minute under paragraph (1) is to be made in accordance with and regulated by Chapter 14 of the Ordinary Cause Rules.

Applications for compensation

3.49.3.—(1) Subject to paragraph (2), an application for compensation is to be made by minute in the process relating to the illegal working compliance order.

(2) Where the illegal working closure notice under paragraph 1 of schedule 6 of the Act was cancelled under paragraph 3(1)(a) of that schedule, an application for compensation is to be made by summary application.”.

Edinburgh
8th November 2017

CJM SUTHERLAND
Lord President
I.P.D.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999. It makes provision for applications connected to illegal working compliance orders under the Immigration Act 2016 (c.19) to be made by minute in the process of the original order.

It also provides that applications for compensation under paragraph 15 of schedule 6 of the Immigration Act 2016 are to be made by minute in the process of the illegal working compliance order. However, where an illegal working closure notice has been cancelled, the application is to be made by summary application.