
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 140

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules Amendment) (Labour Market Enforcement Orders) 2019

<i>Made</i>	- - - -	<i>17th April 2019</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>18th April 2019</i>
<i>Coming into force</i>	- -	<i>18th May 2019</i>

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 with such modifications as it thinks appropriate.

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) (Labour Market Enforcement Orders) 2019.

(2) It comes into force on 18th May 2019.

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

Amendment of the Summary Application Rules 1999

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

(2) In Part XLIX (illegal working orders)(4)—

(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. 2017/460.
(4) Part XLIX was inserted by S.S.I. 2017/386.

- (a) in the Part heading, after “WORKING” insert “AND LABOUR MARKET ENFORCEMENT”;
- (b) after rule 3.49.3 (applications for compensation) insert—

“Labour market enforcement orders

3.49.4.—(1) An application under section 19 of the Act is to contain details of any labour market enforcement order made under section 18 of the Act which is already in force in respect of the subject of the application.

(2) An application under section 23 of the Act for variation or discharge of a labour market enforcement order made under section 18 of the Act is to be made by minute in the process relating to the order.

(3) Where an application referred to in paragraph (2) is made in a sheriff court other than the sheriff court in which the process relating to the order is held—

- (a) the sheriff clerk with whom the application is lodged is to notify the sheriff clerk of the sheriff court in which the process relating to the order is held; and
- (b) the sheriff clerk of the sheriff court in which the process relating to the order is held is, not later than 4 days after receipt of such notification, to transfer the process relating to the order to the sheriff clerk of the sheriff court in which the application is made.

(4) For the purposes of paragraph (3), the sheriff court in which the process relating to the order is held is the sheriff court in which the order was made or, where the process has been transferred under that paragraph, the last sheriff court to which the process has been transferred.”.

Edinburgh
17th April 2019

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 for labour market enforcement orders under section 19 of the Immigration Act 2016 (c.19) to be made by summary application and for applications for their variation or discharge to be made by minute in the process of the original order.