

27D Appeals following oral hearings

- (1) Subsection (2) applies where, after an oral hearing to determine whether or not to grant leave for an application to the supervisory jurisdiction of the Court to proceed, the Court—
 - (a) refuses leave under section 27B(1) for the application to proceed, or
 - (b) grants leave for the application to proceed subject to conditions or only on particular grounds.
- (2) The person making the application may appeal under this section to the Inner House (but may not appeal under any other provision of this Act).
- (3) In an appeal under subsection (2), the Inner House must consider whether to grant leave for the application to proceed; and subsections (2) and (3) of section 27B apply for that purpose.
- (4) In subsection (1), the reference to an oral hearing is to an oral hearing whether following a request under section 27C(2) or otherwise.”.

CHAPTER 4**REGULATION OF PROCEDURE AND FEES****85 Power to regulate procedure etc. in the Court of Session**

- (1) In the Court of Session Act 1988, for sections 5 (power to regulate procedure etc. by act of sederunt) and 5A (rules for lay representation) substitute—

“5 Power to regulate procedure etc. in the Court of Session

- (1) The Court may by act of sederunt make provision for or about—
 - (a) the procedure and practice to be followed in proceedings in the Court,
 - (b) any matter incidental or ancillary to such proceedings.
- (2) Without limiting that generality, the power in subsection (1) includes power to make provision—
 - (a) for execution or diligence following on such proceedings,
 - (b) for avoiding the need for, or mitigating the length and complexity of, such proceedings, including—
 - (i) encouraging settlement of disputes and the use of alternative dispute resolution procedures,
 - (ii) action to be taken before such proceedings are brought by persons who will be party to the proceedings,
 - (c) for or about other aspects of the conduct and management of such proceedings, including the use of technology,
 - (d) for simplifying the language used in connection with such proceedings or matters incidental or ancillary to them,
 - (e) for the form of any document to be used in connection with such proceedings, matters incidental or ancillary to them or matters specified in this subsection,
 - (f) about appeals against a decision of the Court,

- (g) about applications that may be made to the Court including, in respect of applications to the supervisory jurisdiction of the Court, about—
 - (i) the grounds on which leave for such applications to proceed may be granted, and
 - (ii) the procedure under which the respondent in such an application may be sisted,
 - (h) for time limits in relation to proceedings mentioned in subsection (1), matters incidental or ancillary to them or matters specified in this subsection,
 - (i) for expenses that may be awarded to parties to such proceedings,
 - (j) for other payments such parties may be required to make in respect of their conduct relating to such proceedings,
 - (k) for the payment, investment or application of any sum of money awarded in such proceedings to or in respect of a person under a legal disability,
 - (l) for the representation of parties to such proceedings, and others, including representation by persons who—
 - (i) are neither solicitors nor advocates, or
 - (ii) do not have the right to conduct litigation, or a right of audience, by virtue of section 27 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990,
 - (m) for or about the functions and rights of persons appointed by the Court in connection with such proceedings,
 - (n) for or about witnesses and evidence, including modifying the rules of evidence as they apply to such proceedings,
 - (o) for the quorum for a Division of the Inner House considering purely procedural matters and, in the case of an extra Division, as to which judge is to preside and to sign any judgment or interlocutor pronounced by the extra Division,
 - (p) for or about such other matters as the Court thinks necessary or appropriate for the purposes of carrying out or giving effect to the provisions of any enactment (including this Act) relating to such proceedings or matters incidental or ancillary to them.
- (3) An act of sederunt under subsection (1) may—
- (a) contain transitional, transitory, saving, incidental, supplemental or consequential provision, and
 - (b) include provision amending, repealing or revoking any enactment (whether passed or made before or after the commencement of this section) relating to matters with respect to which an act of sederunt may be made,
 - (c) make different provision for different purposes.
- (4) This section is without prejudice to—
- (a) any enactment that enables the Court to make rules (by act of sederunt or otherwise) regulating the practice and procedure to be followed in proceedings to which this section applies, or