

CURRENT RULES RELATING TO PUBLIC INTEREST INTERVENTIONS IN THE SCOTTISH COURTS

Public interest intervention

58.17.—(1) This rule applies to a person who—

(a) was not specified in an order made under rules 58.4(1), 58.11(2) or 58.12(2) as a person who should be served with the petition; and

(b) is not directly affected by any issue raised in the petition.

(2) That person may apply by application for leave to intervene—

(a) in the decision whether to grant permission;

(b) in a petition which has been granted permission; or

(c) in an appeal in connection with a petition for judicial review.

(3) In rules 58.18 to 58.20, “court” means the Lord Ordinary or the Inner House, as the case may be.

Public interest intervention: the minute of intervention

58.18.—(1) An application for leave to intervene is made by minute of intervention in Form 58.18.

(2) The minute of intervention must set out—

(a) the name and description of the applicant;

(b) a brief statement of the issue in the proceedings which the applicant wishes to address and the applicant’s reasons for believing that this issue raises a matter of public interest; and

(c) a brief statement of the propositions to be advanced by the applicant and the applicant’s reasons for believing that they are relevant to the proceedings and that they will assist the court.

(3) The applicant must—

(a) send a copy of the minute to all parties; and

(b) lodge the minute, certifying on it that it has been sent to all parties.

Public interest intervention: the decision of the court

58.19.—(1) The court may, in an application for leave to intervene—

(a) refuse leave without a hearing;

(b) grant leave without a hearing (unless a hearing is requested); or

(c) refuse or grant leave after a hearing.

(2) A hearing may be held if one of the parties lodges a request for a hearing—

(a) in an application to intervene where the court has not yet granted permission, within 2 days from the date that the minute of intervention was lodged; or

(b) in any other case, within 14 days from the date that the minute of intervention was lodged.

(3) At a hearing, the parties may address the court on whether the intervention will unduly delay or otherwise prejudice the rights of the parties, including their potential liability for expenses.

- (4) The court may grant leave only if it is satisfied that—
- (a) the proceedings raise a matter of public interest;
 - (b) the issue in the proceedings which the applicant wishes to address raises a matter of public interest;
 - (c) the propositions to be advanced by the applicant are relevant to the proceedings and are likely to assist the court; and
 - (d) the intervention will not unduly delay or otherwise prejudice the rights of the parties, including their potential liability for expenses.
- (5) The court may, when granting leave, impose such terms and conditions as it considers desirable in the interests of justice, including making provision in respect of additional expenses incurred by the parties as a result of the intervention.
- (6) The clerk of court must give written intimation of a grant or refusal of leave to the applicant and all parties.

Public interest intervention: form of intervention

- 58.20.**—(1) An intervention is by written submission.
- (2) The written submission (including appendices) must not exceed 5000 words.
 - (3) The applicant must lodge the written submission and send a copy of it to all parties by such time as the court may direct.
 - (4) The court may, in exceptional circumstances—
 - (a) allow a longer written submission;
 - (b) allow an oral submission