STATUTORY INSTRUMENTS

1976 No. 847 (S.71)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 6) (Appeals under Consumer Credit Act 1974) 1976

Made - - - - *28th May* 1976
Coming into Operation *28th June* 1976

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(**a**), and of section 13 of the Tribunals and Inquiries Act 1971(**b**) and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1. (1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 6) (Appeals under Consumer Credit Act 1974) 1976 and shall come into operation on 28th June 1976.

(2) The Interpretation Act 1889(**c**) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

Appeals under the Tribunals and Inquiries Act 1971, section 13(5)(A).

2. In the Rules of Court(**d**), after rule 293, there shall be inserted the following rule:—

"293 A. (*a*) Where under Rule 290 an appeal under section 41 of the Consumer Credit Act 1974 by a company registered in Scotland or by any other person whose principal or prospective principal place of business in the United Kingdom is in Scotland against a decision of the Secretary of State from a determination of the Director General of Fair Trading appears in the printed rolls of Court in the single bills for an order for intimation, such intimation shall be to the Secretary of State and, where the appeal is by a licensee under a group licence against compulsory variation, suspension or revocation of that licence, to the original applicant, if any, and to such other person as the Court may order.

(*b*) The Court may remit the matter to the Secretary of State for the purpose of enabling him to provide the Court with such further information as the Court may require.

(*c*) If the Court is of the opinion that the decision appealed against was erroneous in point of law, it shall not set aside or vary that decision but shall remit the matter to the Secretary of State with the opinion of the Court for hearing and determination by him."

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

Edinburgh,
28th May 1976.

G. C. Emslie,
I.P.D.

(a) 1933 c. 41. (b) 1971 c. 62. (c) 1889 c. 63. (d) S.I. 1965/321 (1965 I, p. 803).

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt makes provision in respect of the procedure applicable in the Court of Session to appeals under section 13(5)(A) of the Tribunals and Inquiries Act 1971 by a person specified in the Table at the end of section 41 of the Consumer Credit Act 1974 (c. 39) who is aggrieved by a determination of the Secretary of State in connection with a licence for a consumer credit business or consumer hire business within the meaning of that Act.

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