

# ACT OF SEDERUNT (SMALL CLAIM RULES) 2002 NO. 133

## CHAPTER 26 EQUALITY ENACTMENTS

(Actions lodged before 1 October 2010)

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### Application and interpretation

**26.1** (1) This Chapter applies to claims under the equality enactments.

(2) In this Chapter, "claims under the equality enactments" means proceedings in reparation for breach of statutory duty under any of the following enactments:–

- (a) Sex Discrimination Act 1975;
- (b) Race Relations Act 1976;
- (c) Disability Discrimination Act 1995;
- (d) Equality Act 2006;
- (e) The Equality Act (Sexual Orientation) Regulations 2007.

(3) In this Chapter "the Commission" means the Commission for Equality and Human Rights.

### Intimation to Commission

**26.2.** The pursuer shall send a copy of the summons to the Commission by registered or recorded delivery post.

### Assessor

**26.3** (1) The sheriff may, of his own motion or on the incidental application of any party, appoint an assessor.

(2) The assessor shall be a person who the sheriff considers has special qualifications to be of assistance in determining the cause.

### National security

**26.5** (1) Where, on an incidental application under paragraph (3) or of his own motion, the sheriff considers it expedient in the interests of national security, he may–

(a) exclude from all or part of the proceedings–

- (i) the pursuer;
- (ii) the pursuer's representatives;
- (iii) any assessors;

(b) permit a pursuer or representative who has been excluded to make a statement to the court before the commencement of the proceedings or the part of the proceedings, from which he is excluded;

(c) take steps to keep secret all or part of the reasons for his decision in the proceedings.

(2) The sheriff clerk shall, on the making of an order under paragraph (1) excluding the pursuer or his representatives, notify the Advocate General for Scotland of that order.

(3) A party may make an incidental application for an order under paragraph (1).

(4) The steps referred to in paragraph (1)(c) may include the following:–

(a) directions to the sheriff clerk; and

(b) orders requiring any person appointed to represent the interests of the pursuer in proceedings from which the pursuer or his representatives are excluded not to communicate (directly or indirectly) with any persons (including the excluded pursuer)–

- (i) on any matter discussed or referred to;
- (ii) with regard to any material disclosed,

during or with reference to any part of the proceedings from which the pursuer or his representatives are excluded.

(5) Where the sheriff has made an order under paragraph (4)(b), the person appointed to represent the interests of the pursuer may make an incidental application for authority to seek instructions from or otherwise communicate with an excluded person.

(6) The sheriff may, on the application of a party intending to lodge an incidental application in written form, reduce the period of two days specified in rule 10.1(2) or dispense with notice.

(7) An application under paragraph (6) shall be made in the written incidental application, giving reasons for such reduction or dispensation.