

CHAPTER 94

INTERVENTIONS BY THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

Interpretation

94.1. In this Chapter, “the CEHR” means the Commission for Equality and Human Rights.

Intervention by the CEHR in proceedings

94.2. – (1) The CEHR may apply to the court for leave to intervene in proceedings in accordance with this Chapter.

(2) An application under paragraph (1) above may be made in relation to any proceedings (including deciding whether to grant permission for a petition to proceed under section 27B(1) of the Act of 1988 (judicial review: requirement for permission), a petition for judicial review or an appeal in connection with such a petition).

(3) This Chapter is without prejudice to-

- (a) rule 58.14 (additional parties); and
- (b) any other entitlement of the CEHR, by virtue of having title and interest in relation to the subject matter of any proceedings by virtue of section 30(2) of the Equality Act 2006 or any other enactment, to seek to be sisted as a party in those proceedings.

(4) Nothing in this Chapter shall affect the power of the court to make such other direction as it considers appropriate in the interests of justice.

(5) Any decision of the court in proceedings under this Chapter shall be final and not subject to review.

Application to intervene

94.3. – (1) An application for leave to intervene shall be by way of a minute of intervention in Form 94.3, and the CEHR shall-

- (a) send a copy of it to all the parties; and
- (b) lodge it in process, certifying that sub-paragraph (a) above has been complied with.

(2) A minute of intervention shall set out briefly-

- (a) the CEHR’s reasons for believing that the proceedings are relevant to a matter in connection with which the CEHR has a function;
- (b) the issue in the proceedings which the CEHR wishes to address; and
- (c) the propositions to be advanced by the CEHR and the CEHR’s reasons for believing that they are relevant to the proceedings and that they will assist the court.

(3) The court may-

- (a) refuse leave without a hearing;
- (b) grant leave without a hearing unless a hearing is requested under paragraph (4) below; or
- (c) refuse or grant leave after such a hearing.

(4) A hearing, at which the applicant and the parties may address the court on the matters referred to in paragraph (5)(c) below, may be held if, within 14 days of the minute of intervention being lodged, any of the parties lodges a request for a hearing.

(5) Any diet in pursuance of paragraph (4) shall be fixed by the Keeper of the Rolls who shall give written intimation of the diet to the CEHR and all the parties.

(6) The court may grant leave only if satisfied that-

- (a) the proceedings are relevant to a matter in connection with which the CEHR has a function;
- (b) the propositions to be advanced by the CEHR are relevant to the proceedings and are likely to assist the court; and
- (c) the intervention will not unduly delay or otherwise prejudice the rights of the parties, including their potential liability for expenses.

(7) In granting leave, the court may impose such terms and conditions as it considers desirable in the interests of justice, including making provision in respect of any additional expenses incurred by the parties as a result of the intervention.

(8) The clerk of court shall give written intimation of a grant or refusal of leave to the CEHR and all the parties.

Form of intervention

94.4. – (1) An intervention shall be by way of a written submission which (including any appendices) does not exceed 5000 words.

(2) The CEHR shall lodge the submission and send a copy of it to all the parties by such time as the court may direct.

(3) The court may in exceptional circumstances-

- (a) allow a longer written submission to be made;
- (b) direct that an oral submission is to be made.

(4) Any diet in pursuance of paragraph (3)(b) shall be fixed by the Keeper of the Rolls who shall give written intimation of the diet to the CEHR and all the parties.