

*These notes refer to the Crime and Courts Act 2013  
(c.22) which received Royal Assent on 25 April 2013*

# CRIME AND COURTS ACT 2013

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## EXPLANATORY NOTES

### BACKGROUND

#### **Part 2: Courts and Justice**

#### ***Section 23: Permission to appeal from Upper Tribunal to Court of Session***

34. **Section 23** allows for a rule of court in Scotland to reintroduce the “second-tier appeals test” for applications for permission to appeal from the Upper Tribunal to the Court of Session. This test requires that an application should demonstrate that the appeal would raise an “important point of principle or practice”, or “some other compelling reason for the court to hear the appeal”. The test applies in England and Wales and in Northern Ireland and was in place in Scotland before it was recently found to be *ultra vires* in a decision of the Court of Session.