
EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 (“the principal Rules”).

Rule 2(2) inserts into Chapter 3 of the principal Rules a new Part XVII which contains specific provision in relation to the Anti-terrorism, Crime and Security Act 2001 (“the 2001 Act”)–

- (a) rule 3.17.1 is an interpretative provision for use in the new Part XVII of the principal Rules;
- (b) rule 3.17.2 provides for applications to the sheriff for an order under paragraph 3(2) of Schedule 1 to the 2001 Act for extended detention of cash to be made by summary application, and for further applications to be made by minute in the process. This rule further provides for notice of any further applications to be given to any persons who the sheriff considers might be affected by the granting of such an application;
- (c) rule 3.17.3 provides for applications to the sheriff under paragraphs 5(2) (application for release of detained cash) and 9(1) (application by person who claims that cash belongs to him) of Schedule 1 to the 2001 Act to be made by summary application, except where the court has already made an order under paragraph 3(2) in which case the application is to be made by minute in the original process. This rule further provides for notice of any further applications to be given to the procurator fiscal and any other persons who the sheriff considers might be affected by the granting of such an application; and
- (d) rules 3.17.4 and 3.17.5 provide for applications to the sheriff under paragraphs 6(1) (forfeiture) and 10(1) (compensation) of Schedule 1 to the 2001 Act to be made by summary application, except where the court has already made an order under paragraph 3(2) in which case the application is to be made by minute in the original process. This rule further provides for notice of any such applications to be given to any persons who the sheriff considers might be affected by the granting of such an application.