
EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session 1994 (S.I. [1994/1443](#)) (“the Rules”). The amendments are consequential upon the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders (Scotland) Order 2005, which makes provision for the enforcement of overseas orders for the forfeiture of property used in crime, and the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005, which makes provision under section 444 of the Proceeds of Crime Act 2002 for giving effect to requests and orders from other countries regarding recovery of the proceeds of crime (“the Orders in Council”).

Paragraph 2(2) amends Part VII of Chapter 62 of the Rules by making provision for the registration of external orders for the confiscation of the proceeds of crime or for the forfeiture of property used in crime.

Paragraph 2(3) amends rule 76.4 with regard to applications for variation or recall of restraint orders under the Proceeds of Crime (Scotland) Act 1995.

Paragraph 2(4) to (6) amends Chapter 76 of the Rules to make provision for miscellaneous applications under the Orders in Council, including applications for the restraint of the proceeds of crime and the property used in crime and for the civil recovery of the proceeds of crime.