
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 459

**Act of Sederunt (Rules of the Court of Session Amendment
No. 6) (Terrorist Asset-Freezing etc. Act 2010) 2010**

Terrorist Asset-Freezing etc. Act 2010

2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with the following subparagraph.

(2) After Chapter 100 (arbitration)⁽²⁾, insert the following Chapter—

“CHAPTER 101

TERRORIST ASSET-FREEZING

Interpretation of this Chapter

101.1. In this Chapter—

“the 2010 Act” means the Terrorist Asset-Freezing etc. Act 2010⁽³⁾;

“asset-freezing proceedings” means proceedings in the Court of Session on—

- (a) an application under section 27(2) of the 2010 Act, a reclaiming motion in respect of such an application or a claim arising from any matter to which such an application relates; or
- (b) an appeal under section 26(2) of the 2010 Act or a claim arising from any matter to which such an appeal relates.

Application to set aside an asset-freezing decision

101.2.—(1) An application under section 27(2) of the 2010 Act shall be made by lodging a petition with the Deputy Principal Clerk.

(2) The petition shall include, in numbered paragraphs, statements of reasons setting out—

- (a) the details of the decision to be set aside; and
- (b) the grounds on which the petitioner seeks to set aside that decision.

(3) There shall be lodged with the petition—

- (a) a copy of the decision; and
- (b) all relevant documents in the petitioner’s possession and within the petitioner’s control.

⁽¹⁾ S.I. 1994/1443, last amended by S.S.I. 2010/417.

⁽²⁾ Chapter 100 was inserted by S.S.I. 2010/205.

⁽³⁾ 2010 c.38.

Appeal in relation to designations

101.3. Notwithstanding rule 41.20(1) (lodging of appeal in the General Department), an appeal under section 26(2) of the 2010 Act shall be lodged with the Deputy Principal Clerk.

Lodging of process

101.4.—(1) A process lodged under rule 4.3 in an application under section 27(2) of the 2010 Act or on a claim arising from any matter to which such an application relates shall be lodged with the Deputy Principal Clerk.

(2) A process lodged in an appeal under section 26(2) of the 2010 Act or on a claim arising from any matter to which such an appeal relates shall be lodged with the Deputy Principal Clerk.

Application of Chapter 96 to asset-freezing proceedings

101.5.—(1) Subject to paragraphs (2) and (3), rules 96.4 to 96.13 apply to asset-freezing proceedings as they apply to financial restrictions proceedings, as defined in rule 96.1(1).

(2) In the application of rules 96.4 to 96.13 under paragraph (1)—

- (a) “special advocate” means, in relation to asset-freezing proceedings, a person who is appointed under section 68 of the Counter-Terrorism Act 2008⁽⁴⁾ to represent the interests of a party to those proceedings;
- (b) references to a party to the proceedings do not include the Treasury;
- (c) references to a party’s legal representative do not include a person appointed as a special advocate;
- (d) references to financial restrictions proceedings shall be read as references to asset-freezing proceedings; and
- (e) references to the petitioner shall include references to the appellant.

(3) In the application of rule 96.4 under paragraph (1), the reference to a petition shall include a reference to an appeal.”.

(4) 2008 c.28. Section 68 of the 2008 Act is applied by section 28(4) of the 2010 Act.