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SCOTTISH STATUTORY INSTRUMENTS

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**2024 No. 75**

**Act of Sederunt (Rules of the Court of Session  
1994 Amendment) (Payment and Electronic  
Money Institution Special Administration) 2024**

**Citation and commencement, etc.**

- 1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Payment and Electronic Money Institution Special Administration) 2024.
- (2) It comes into force on 12th April 2024.
- (3) A certified copy is to be inserted in the Books of Sederunt.

**Amendment of the Rules of the Court of Session 1994**

- 2.—(1) The Rules of the Court of Session 1994(1) are amended in accordance with this paragraph.
- (2) In rule 5.1A(2) (further restriction as to caveats), in paragraph (2)—
- (a) in sub-paragraph (c) omit “or”; and
- (b) at the end of sub-paragraph (d) insert—
- “; or
- (e) a payment or electronic money institution special administration order under rule 74.64.”.
- (3) In rule 74.1(3) (application and interpretation of this Chapter), at the end of paragraph (1) insert—
- “; and
- (g) the Payment and Electronic Money Institution Insolvency Regulations 2021(4).”.
- (4) In rule 74.2(5) (proceedings before insolvency judge)—
- (a) the words from the beginning to “construed accordingly.” become paragraph (1);
- (b) in new paragraph (1), for the words from “the Act of 1986” to “Postal Act” substitute “an enactment mentioned in paragraph (2)”;
- (c) after new paragraph (1) insert—
- “(2) The enactments referred to in paragraph (1) are—
- (a) the Act of 1986;
- (b) the Company Directors Disqualification Act 1986;
- (c) Chapter 3 of Part 3 of the Act of 2004;

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(1) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2023/196.

(2) Rule 5.1A was inserted by S.S.I. 2001/92 and amended by S.S.I. 2011/288. Paragraph (2) was substituted by S.S.I. 2010/417.

(3) Rule 74.1 is relevantly amended by S.S.I. 2016/318.

(4) S.I. 2021/716.

(5) Rule 74.2 was substituted by S.S.I. 2006/83 and amended by S.S.I. 2009/63 and S.S.I. 2016/318.

- (d) Part 2 or 3 of the Act of 2009;
  - (e) Part 4 of the Postal Act;
  - (f) the Payment and Electronic Money Institution Insolvency Regulations 2021.”.
- (5) In rule 74.3(6) (notices and reports, etc., sent to the court)—
- (a) the words from “the Act of 1986” to the end become paragraph (1);
  - (b) in new paragraph (1), for the words from “the Act of 1986” to “Postal Administration Rules” substitute “an enactment mentioned in paragraph (2)”;
  - (c) after new paragraph (1) insert—
    - “(2) The enactments referred to in paragraph (1) are—
    - (a) the Act of 1986;
    - (b) the Act of 2004;
    - (c) the Act of 2009;
    - (d) the Act of 2011;
    - (e) the Postal Act;
    - (f) the Insolvency Rules;
    - (g) the Insolvency (CVAA) Rules;
    - (h) the Insolvency (RWU) Rules;
    - (i) the Bank Insolvency Rules;
    - (j) the Bank Administration Rules;
    - (k) the Energy Administration Rules;
    - (l) the 2013 Rules;
    - (m) the Postal Administration Rules;
    - (n) the Payment and Electronic Money Institution Insolvency Regulations 2021;
    - (o) the Payment and Electronic Money Institution Insolvency (Scotland) Rules 2022(7).”.
- (6) In Chapter 74, after Part XI(8) (investment bank special administration procedure) insert the new Part XII set out in the schedule of this Act of Sederunt.

Edinburgh  
12th March 2024

*CJM SUTHERLAND*  
Lord President  
I.P.D.

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(6) Rule 74.3 was substituted by [S.S.I. 2006/83](#) and last amended by [S.S.I. 2019/81](#).  
(7) [S.I. 2022/1239](#).  
(8) Part XI was inserted by [S.S.I. 2011/385](#).