
STATUTORY INSTRUMENTS

1992 No. 1077 (S.101)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Applications under Part III of the Criminal Justice (International Co-operation) Act 1990) 1992

Made - - - - - *28th April 1992*
Coming into force - - - - - *21st May 1992*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971⁽¹⁾ and by section 28(2) of the Criminal Justice (International Co-operation) Act 1990⁽²⁾ and of all other powers enabling them in that behalf, having approved, with modifications, draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of that Act, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Applications under Part III of the Criminal Justice (International Co-operation) Act 1990) 1992 and shall come into force on 21st May 1992.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

(3) In this Act of Sederunt “the Act” means the Criminal Justice (International Co-operation) Act 1990.

Applications for continued detention of cash

2.—(1) An application for an order under section 25(2) of the Act (order for continued detention of seized cash) shall be made by summary application.

(2) On the lodging of such an application the sheriff shall proceed to determine the application.

(3) A further application for the continued detention of cash under section 25(3) of the Act shall be made by minute in the original process and shall be proceeded with in accordance with subparagraph (4) below.

(4) On the lodging of such further application the sheriff shall—

(a) fix a date for determination of the application; and

(1) 1971 c. 58.
(2) 1990 c. 5.

- (b) order service of the application together with notice of such date for determination on any persons whom he considers may be affected.

Application for release of cash

- 3.—(1) An application under section 25(5) of the Act (release of detained cash) shall be made—
 - (a) prior to the making of an application for an order under section 25(2) of the Act, by summary application; and
 - (b) subsequent to the making of such an application, by minute in the original process.
- (2) On the lodging of such an application the sheriff shall—
 - (a) fix a date for a hearing; and
 - (b) order service of the application together with notice of such hearing on the Procurator Fiscal and any other person whom he considers may be affected by the granting of such an application.

Application for forfeiture of cash

- 4.—(1) An application under section 26 of the Act (forfeiture of detained cash) shall be made—
 - (a) prior to the making of an application for an order under section 25(2) of the Act, by summary application; and
 - (b) subsequent to the making of such an application, by minute in the original process.
- (2) On the lodging of such an application the sheriff shall—
 - (a) fix a date for a hearing; and
 - (b) order service of the application together with notice of such hearing on any person whom he considers may be affected by the granting of such an application.

Service

5. Service of any document under this Act of Sederunt shall be made by such method as the sheriff directs.

Sist of party

6. Where any person is affected by the detention of cash under the Act, he may, before the conclusion of any hearing, apply by motion for leave to be sisted as a party to any proceedings under this Act of Sederunt.

Edinburgh
28th April 1992

J.A.D. Hope
Lord President, IPD

EXPLANATORY NOTE

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

This Act of Sederunt makes provision for—

- (a) applications for the continued detention of cash seized on suspicion of being proceeds of or, being intended for use in, drug trafficking,
 - (b) applications for the release of such cash,
 - (c) applications for the forfeiture of such cash, and
 - (d) the sisting of affected parties to such applications,
- under Part III (sections 25—29) of the Criminal Justice