SCOTTISH STATUTORY INSTRUMENTS

2003 No. 27

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (International Criminal Court) 2003

Made - - - -	*17th January 2003*
Coming into force - -	*24th January 2003*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(**1**), and paragraph 5 of schedule 5 to the International Criminal Court (Scotland) Act 2001(**2**), and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt–

(a) may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (International Criminal Court) 2003;

(b) shall come into force on 24th January 2003; and

(c) shall be inserted in the Books of Sederunt.

Amendment of Chapter 3 of the Summary Applications, Statutory Applications and Appeals etc. Rules

2.—(1) In the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(**3**), Chapter 3 (rules on applications under specific statutes) is amended in accordance with the following paragraph.

(2) After Part XIX(**4**) (Proceeds of Crime Act 2002(**5**)), insert–

(**1**) 1971 c. 58; section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4), the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 13, and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43, and was extended by sections 39(2) and 49 of the Child Support Act 1991 (c. 48).

(**2**) 2001 asp 13.

(**3**) S.I.1999/929; amended by S.S.I.2000/148 and 387, 2001/142, and 2002/7 and 129, 130, 146 and 563.

(**4**) Part XIX was inserted by S.S.I. 2002/563.

"PART XX

INTERNATIONAL CRIMINAL COURT (SCOTLAND) ACT 2001

General

Interpretation and application

3.20.1.—(1) In this Part–

"the Act" means the International Criminal Court (Scotland) Act 2001(**6**);

"ICC crime" has the same meaning as in section 28(1) of the Act; and

a reference to a specified section is a reference to the section bearing that number in the Act, and any reference to a specified paragraph in a specified schedule is a reference to the paragraph bearing that number in the schedule of that number to the Act.

(2) This Part applies to applications to the sheriff under Parts 1 and 2 of schedule 5 to the Act.

Investigations of proceeds of ICC crime

Production or access orders

3.20.2.—(1) An order under Part 1 of schedule 5 to the Act may be made by the sheriff on a summary application by a person authorised for the purpose under section 19 of the Act.

(2) Any such application may be made on an ex parte application to a sheriff in chambers.

(3) Any such application must set out reasonable grounds for suspecting–

(a) that a specified person has benefited from an ICC crime; and

(b) that the material to which the application relates is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purposes of which the application is made.

(4) Any application for variation or discharge of an order under Part 1 of schedule 5 to the Act shall be made by minute.

Search warrants

3.20.3.—(1) On a summary application by a person authorised under section 19 of the Act to the sheriff sitting as a court of civil jurisdiction, the sheriff may issue a warrant under Part 2 of the Act.

(2) Any such application must set out grounds sufficient to satisfy the sheriff–

(a) that a production or access order made in relation to material on the premises has not been complied with;

(b) that–

(i) there are reasonable grounds for suspecting that a specified person has benefited from an ICC crime;

(ii) there are grounds for making a production and access order in relation to material on the premises; and

(**5**) 2002 c. 29.
(**6**) 2001 asp 13.