SCOTTISH STATUTORY INSTRUMENTS

2002 No. 129

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Detention and Forfeiture of Terrorist Cash) 2002

Made - - - -	*1st March 2002*
Coming into force - -	*8th March 2002*

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 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 Sheriff Courts (Scotland) Act 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Detention and Forfeiture of Terrorist Cash) 2002 and shall come into force on 8th March 2002.

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

Amendment of the principal Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(**2**) shall be amended in accordance with the following paragraph.

(2) In Chapter 3, after Part XVI (Adults with Incapacity (Scotland) Act 2000)(**3**), 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) and the Adults with Incapacity (Scotland) Act 2000 (asp 4), Schedule 5, paragraph 13 and was extended by sections 39(2) and 49 of the Child Support Act 1991 (c. 48).

(**2**) S.I.1999/929, as amended by S.S.I. 2000/148 and 387, 2001/142 and 2002/ .

(**3**) Inserted by S.S.I. 2001/142.

"PART XVII

ANTI-TERRORISM, CRIME AND SECURITY ACT 2001

Interpretation

3.17.1. In this Part, any reference to a specified paragraph shall be construed as a reference to the paragraph bearing that number in Schedule 1 to the Anti-terrorism, Crime and Security Act 2001(**4**).

Applications for extended detention of cash

3.17.2.—(1) An application to the sheriff for an order under paragraph 3(2) (extended detention of seized cash) shall be made by summary application.

(2) An application for any further order for the detention of cash under paragraph 3(2) shall be made by minute in the original process and shall be proceeded with in accordance with sub-paragraph (3) below.

(3) On the lodging of an application for any further order the sheriff shall–

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

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

Applications for release of detained cash

3.17.3.—(1) An application to the sheriff under paragraph 5(2) (application for release of detained cash) or under paragraph 9(1) (application by person who claims that cash belongs to him) shall, where the court has made an order under paragraph 3(2), be made by minute in the original process of the application for that order, and in any other case shall be made by summary application.

(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.

Applications for forfeiture of detained cash

3.17.4.—(1) An application to the sheriff under paragraph 6(1) (application for forfeiture of detained cash) shall, where the court has made an order under paragraph 3(2), be made by minute in the original process of the application for that order, and in any other case shall be made by summary application.

(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.

(**4**) 2001 c. 24.