SCOTTISH STATUTORY INSTRUMENTS

2001 No. 494

COURT OF SESSION

Act of Sederunt (Rules of the Court of Session Amendment No. 6) (Terrorism Act 2000) 2001

Made - - - -	*21st December 2001*
Coming into force - -	*22nd December 2001*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 5 of the Court of Session Act 1988(**1**), paragraphs 17(1) and 27(2)(b) of Schedule 4 to the Terrorism Act 2000(**2**) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No. 7) (Terrorism Act 2000) 2001 and shall come into force on 22nd December 2001.

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

(3) In this Act of Sederunt, any reference to a rule is to a rule contained in the Rules of the Court of Session 1994(**3**).

Amendment of the Rules of the Court of Session

In rule 62.47 (interpretation of Part VII)—

(a) after the definition of "the Act of 1995" there is inserted—

""the Act of 2000" means the Terrorism Act 2000;"; and

(b) in the definition of "relevant enactment", after "1995,", where first occurring, there is inserted "the Act of 2000".

3. In paragraph (2) of rule 62.48 (applications for registration under relevant enactments), at the end there is inserted—

(**1**) 1988 c. 36; section 5 was amended by the Civil Evidence (Scotland) Act 1988 c. 32, section 2(3) and by the Children (Scotland) Act 1995 c. 36, Schedule 4, paragraph 45.
(**2**) 2000 c. 11
(**3**) S.I.1994/1443. Amendments to the Rules relevant for the purposes of this Act of Sederunt were made by: S.I. 1996/1756, S.I. 1996/2168 and S.I. 1999/1220 which amended rules 62.47 and 62.48.

"(g) paragraph 27(3) of Schedule 4 to the Act of 2000 (application for registration of an England and Wales order, Northern Ireland order or Islands order"

4. In rule 62.53 (modification and cancellation of registration)—

(a) in the heading to the rule, at the end there is inserted "or 2000"; and

(b) in paragraph (1), after "1995" there is inserted "or 2000".

5. After Chapter 83 of the rules there is added—

"Chapter 84

Applications under the Terrorism Act 2000

Interpretation of this Chapter

84.1. In this Chapter—

"the Act of 2000" means the Terrorism Act 2000(**4**);

"administrator" shall be construed in accordance with paragraph 16(1)(b) of Schedule 4 to the Act of 2000; and

"restraint order" means an order under paragraph 18(1) of Schedule 4 to the Act of 2000.

Power and duties of administrator

84.2.—(1) Subject to any condition or exception specified by the court, an administrator appointed under paragraph 16(1)(b) of Schedule 4 to the Act of 2000—

(a) may take possession of the property in respect of which he has been appointed and of any document which—

(i) is in the possession or control of the person in whom the property is vested; and

(ii) relates to the property;

(b) may have access to, and copy, any document relating to the property and not in such possession or control as is mentioned in sub-paragraph (a);

(c) may bring, defend or continue any legal proceedings relating to the property;

(d) may borrow money in so far as it is necessary to do so to safeguard the property and may for the purposes of such borrowing create a security over any part of the property;

(e) may, if the administrator considers that to do so would be beneficial for the management and the realisation of the property, enter into any contract, or execute any deed, with respect to the property;

(f) may effect or maintain insurance policies with respect to the property;

(g) may, where the person in whom the property is vested has not completed title to any of the property, complete title to it: provided that completion of title in the name of the person in whom the property is vested shall not validate by accretion any unperfected right in favour of any person other than the administrator;

(**4**) 2000 c. 1