SCOTTISH STATUTORY INSTRUMENTS

# 2001 No. 486

# HIGH COURT OF JUSTICIARY

## Act of Adjournal (Criminal Procedural Rules Amendment No.2) (Terrorism Act 2000 and Anti-Terrorism, Crime and Security Act 2001) 2001

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| *Made - - - -* | *21st December 2001* |
| *Coming into force - -* | *21st December 2001* |

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary in exercise of the powers conferred upon them by paragraph 27(1) of Schedule 5, paragraph 4(2) of Schedule 6 and paragraph 5(1) of Schedule 6A to the Terrorism Act 2000(**1**), section 305 of the Criminal Procedure (Scotland) Act 1995(**2**) and of all other powers enabling them in that behalf, do hereby enact and declare:

**Citation and commencement**

**1.** This Act of Adjournal—

(a) may be cited as the Act of Adjournal (Criminal Procedure Rules of Amendment No.2) (Terrorism Act 2000 and Anti-Terrorism, Crime and Security Act 2001) 2001;

(b) shall come into force on 22nd December 2001; and

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

**Procedure in matters arising out of the Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001**

**2.** After Chapter 42 of the Criminal Procedure Rules 1996(**3**), there is inserted—

(**1**) 2000 c. 11
(**2**) 1995 c. 46.
(**3**) S.I.1996/513, as amended.

# "CHAPTER 43

## TERRORISM ACT 2000 AND ANTI-TERRORISM, CRIME AND SECURITY ACT 2001

### Interpretation

**43.1.**—(1) In this Chapter—

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

"the Act of 2001" means the Anti-Terrorism, Crime and Security Act 2001(**5**).

### Applications under the Act of 2000 or 2001

**43.2.**—(1) An application under any of the following provisions shall be made by petition:—

(a) paragraph 22(1) (production of material for the purposes of a terrorist investigation) of Schedule 5 to the Act of 2000;

(b) paragraph 30(1) (explanation of material seized or produced shall for the purposes of a terrorist investigation) of Schedule 5 to the Act of 2000;

(c) paragraph 2(b) (procedure for order requiring financial information) of Schedule 6 to the Act of 2000;

(d) paragraph 2(1) (account monitoring order) of Schedule 6A(a) to the Act of 2000;

(e) paragraph 4(1) (discharge or variation of account monitoring order) of Schedule 6A to the Act of 2000;

(f) paragraph 3(2) (detention of seized cash) of Schedule 1 to the Act of 2001.

(g) paragraph 5(2) (release of detained cash) of Schedule 1 to the Act of 2001;

(h) paragraph 6(1) (forfeiture of detained cash) of Schedule 1 to the Act of 2001;

(i) paragraph 9(1) (release of detained cash) of Schedule 1 to the Act of 2001; and

(j) paragraph 10(1) (compensation in respect of detained cash) of Schedule 1 to the Act of 2001.

(2) The sheriff may make the order sought in an application under paragraph 22(1) of Schedule 5 to the Act of 2000 before intimation of the application to the person who appears to him to be in possession of the material to which the application relates.

(3) The sheriff may make the order sought in an application under:—

(a) paragraph 2(b) of Schedule 6 to the Act of 2000;

(b) paragraph 2(1) of Schedule 6A to the Act of 2000; or

(c) paragraph 4(1)(a) of Schedule 6A to the Act of 2000,

before intimation of the application to the person who appears to him to be in possession of the information to which the application relates and the person who is the subject of that information.

(4) Notice under paragraph 5(3) of Schedule 1 to the Act of 2001 (release of cash where retention no longer justified) shall be given in writing.".

(**4**) 2000 c. 11
(**5**) 2001 c.