
EXPLANATORY NOTE

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

This Act of Sederunt makes amendments to the Rules of the Court of Session 1994 to make provision in respect of proceedings under the Terrorism Prevention and Investigation Measures Act 2011 (“the 2011 Act”).

Paragraph 2(2) substitutes a new Chapter 89 into the Rules. It replaces the previous Chapter 89, which made provision in respect of control orders and proceedings under the Prevention of Terrorism Act 2005. The new Chapter 89 applies to proceedings in the Outer House of the Court of Session and appeals to the Inner House of the Court of Session on a point of law in respect of those proceedings.

Rule 89.2 sets out the procedure for making applications under section 6(1)(b) of the 2011 Act (application for permission to make a terrorism prevention and investigation measures notice, or a “TPIM notice”), and references under paragraph 3(1) of Schedule 2 to the 2011 Act (references to the court in relation to the making of such an order in cases of urgency).

Rule 89.3 makes provision for initial diets to be held in respect of proceedings under rule 89.2.

Rule 89.4 sets out the procedure for making an appeal under section 16 of the 2011 Act (appeals relating to terrorism prevention and investigation measures).

Rule 89.5 makes provision in relation to the appointment of special advocates by the Advocate General to represent individuals when they are excluded from proceedings under the 2011 Act.

Rule 89.6 makes provision in respect of communications about the proceedings by special advocates.

Rule 89.7 makes provision for the Secretary of State to apply to court for permission not to disclose information in proceedings under the 2011 Act.

Rule 89.8 makes provision for applications for anonymity in proceedings under the 2011 Act.

Rule 89.9 makes provision for the exclusion of an affected person and his or her legal representative from proceedings under the 2011 Act.

Rule 89.10 makes provision in respect of the recording of proceedings under the 2011 Act.