
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 460

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules Amendment) (Drug Dealing Telecommunications Restriction Orders) 2017

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules Amendment) (Drug Dealing Telecommunications Restriction Orders) 2017.

(2) It comes into force on 19th January 2018.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of the Summary Application Rules 1999

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(1) is amended in accordance with this paragraph and paragraph 3.

(2) After Part L (transfers from the Lands Tribunal for Scotland to the sheriff under the electronic communications code)(2) of Chapter 3 (rules on applications under specific statutes) insert—

“PART LI

DRUG DEALING TELECOMMUNICATIONS RESTRICTION ORDERS

Interpretation

3.51.1. In this Part—

“the 2015 Act” means the Serious Crime Act 2015(3);

“DDTRO Regulations” means the Drug Dealing Telecommunications Restriction Orders Regulations 2017(4); and

unless the context otherwise requires, words and expressions used in this Part and in the 2015 Act or the DDTRO Regulations have the meaning given by the 2015 Act or the DDTRO Regulations, as the case may be.

Drug Dealing Telecommunications Restriction Orders

3.51.2.—(1) An application under regulation 3 of the DDTRO Regulations (power to make a DDTRO) for a DDTRO—

(1) S.I. 1999/929, last amended by S.S.I. 2017/459.

(2) Part L was inserted by S.S.I. 2017/459.

(3) 2015 c.9. The Serious Crime Act 2015 was relevantly amended by section 107 of the Digital Economy Act 2017 (c.30).

(4) S.I. 2017/1240.

- (a) is to be made by summary application in Form 73; and
 - (b) must not be intimated to an affected person or their legal representative.
- (2) A DDTRO is to be made in Form 74.
- (3) An application for discharge, extension or variation of a DDTRO is to be made by an application in the process relating to the DDTRO in Form 75.
- (4) Where an application under paragraph (3) is made, the sheriff may make such orders as he or she thinks fit for dealing with the application, including an order—
- (a) requiring the applicant to intimate the application and any court order relating to it to any other person;
 - (b) requiring any party to lodge answers; and
 - (c) fixing a hearing on the application and any answers.
- (5) An application for a DDTRO must be heard and determined in private.
- (6) All proceedings in an application for discharge, extension or variation of a DDTRO must be heard and determined in public.
- (7) Rule 2.5 (order for intimation to interested persons by the sheriff) does not apply to applications under this Part.
- (8) Rule 2.30 (motion procedure), applying Chapter 15 of the Ordinary Cause Rules, applies to motions under this Part.”.
- 3.** In schedule 1, after Form 72, insert Forms 73, 74 and 75 as set out in the schedule of this Act of Sederunt.

Edinburgh
20th December 2017

CJM SUTHERLAND
Lord President
I.P.D.