
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 190

**Act of Sederunt (Rules of the Court of Session
Amendment No. 3) (Miscellaneous) 2011**

Applications under section 1 of the Administration of Justice (Scotland) Act 1972

5.—(1) The Rules are amended in accordance with the following subparagraphs.

(2) In rule 64.9 (duties of commissioner)(1), in paragraph (c), after “legal advice” insert “and to ask the court to vary or discharge the order”.

(3) For rule 64.12 (right of haver to consult)(2) substitute—

“Right of haver to consult

64.12.—(1) The haver may seek legal or other professional advice of his choice.

(2) Where the purpose of seeking this advice is to help the haver to decide whether to ask the court to vary or discharge the order, the haver may ask the Commissioner to delay starting the search for up to 2 hours or such other longer period as the Commissioner may permit.

(3) Where the haver is seeking advice under this rule, he or she must—

- (a) inform the Commissioner and the petitioner’s agent of that fact;
- (b) not disturb or remove any listed items;
- (c) permit the Commissioner to enter the premises, but not to start the search.”.

(4) For Form 64.6 (form of order of court in procedure for recovery of documents under Chapter 64)(3), and Form 64.9 (notice to accompany order of the court when served by Commissioner)(4), substitute the forms set out in Schedule 2 to this Act of Sederunt.

(1) Rule 64.9 was inserted by [S.S.I. 2000/319](#) and amended by [S.S.I. 2004/52](#).

(2) Rule 64.12 was inserted by [S.S.I. 2000/319](#).

(3) Form 64.6 was inserted by [S.S.I. 2000/319](#) as Form 64.-A and was renumbered by [S.S.I. 2004/52](#) and amended by [S.S.I. 2009/450](#).

(4) Form 64.9 was inserted by [S.S.I. 2009/319](#) as Form 64.-B and was renumbered by [S.S.I. 2004/52](#).