
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 405

Act of Sederunt (Rules of the Court of Session 1994 and Summary Applications, Statutory Applications and Appeals etc. Rules 1999 Amendment) (Proceeds of Crime) (No. 2) 2019

Amendment of the Summary Application Rules 1999

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

(2) In rule 3.19.1 (interpretation and application)⁽²⁾—

(a) in paragraph (1), after the definition of “the Act” insert—

““the 2005 Order” means the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005⁽³⁾;

“external order” has the meaning set out in section 447(2) of the Act;”;

(b) in paragraph (2) omit—

(i) “3A,”;

(ii) sub-paragraph (e);

(c) after paragraph (2) insert—

“(3) This Part applies to applications to the sheriff under Parts 5A and 5B⁽⁴⁾ of the 2005 Order.”.

(3) In rule 3.19.3(1) (applications for release of detained cash or detained property)⁽⁵⁾, after sub-paragraph (d) insert—

“(e) article 213S of the 2005 Order (victims and other owners)⁽⁶⁾ must be made—

(i) in the course of proceedings for an order under article 213L(1) (forfeiture); or

(ii) where an order has been made under article 213L(1), by minute in the process of the application for that order.”.

(4) In rule 3.19.4 (applications for forfeiture of detained cash or detained property)⁽⁷⁾—

(a) after paragraph (1) insert—

“(1A) In an application to the sheriff under article 213L(1) of the 2005 Order, a certified copy of the external order to be registered must be produced with the application.”;

(b) after paragraph (2) insert—

“(3) Where the sheriff grants an application under article 213L(1) of the 2005 Order, the sheriff clerk must register the certified copy of the external order.”.

⁽¹⁾ [S.I. 1999/929](#), last amended by [S.S.I. 2019/146](#). Part XIX was inserted by [S.S.I. 2002/563](#).

⁽²⁾ Rule 3.19.1 was substituted by [S.S.I. 2003/98](#).

⁽³⁾ [S.I. 2005/3181](#), last amended by [S.I. 2018/1078](#).

⁽⁴⁾ Parts 5A and 5B were inserted by [S.I. 2018/1078](#).

⁽⁵⁾ Rule 3.19.3(1) was substituted by [S.S.I. 2019/146](#).

⁽⁶⁾ Articles 213L, 213O and 213S were inserted by [S.I. 2018/1078](#).

⁽⁷⁾ Rule 3.19.4 was amended by [S.S.I. 2019/146](#).

- (5) In rule 3.19.4A (variation and recall of account freezing orders and applications for forfeiture orders)(**8**)—
- (a) in paragraph (1), after “section 303Z4(1)” insert “or article 213Z4 of the 2005 Order(**9**)”;
 - (b) in paragraph (2), after “section 303Z14(2)” insert “or article 213Z7(3) of the 2005 Order”.
- (6) In rule 3.19.5(1) (applications for compensation)(**10**), after sub-paragraph (c) insert—
- “(d) article 213Z11(2) of the 2005 Order (compensation), where the court has made an order under article 213Z3 of the 2005 Order (making of account freezing order),”.
- (7) In rule 3.19.5A (associated and joint property: transfer to Court of Session)(**11**)—
- (a) after “section 303R” where it twice occurs insert “or article 213O(1) of the 2005 Order”;
 - (b) in paragraph (1), after “section 303O(1)(b)” insert “or article 213L(1) of the 2005 Order (forfeiture) respectively”.

(**8**) Rule 3.19.4A was inserted by [S.S.I. 2019/146](#).
(**9**) Articles 213Z3 to 213Z11 were inserted by [S.I. 2018/1078](#).
(**10**) Rule 3.19.5(1) was substituted by [S.S.I. 2019/146](#).
(**11**) Rule 3.19.5A was inserted by [S.S.I. 2019/146](#).