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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 72**

**Act of Sederunt (Rules of the Court of Session 1994  
Amendment) (Sanctions and Anti-Money Laundering) 2019**

**Amendment of the Rules of the Court of Session 1994**

- 2.—(1) The Rules of the Court of Session 1994 <sup>M1</sup> are amended in accordance with this paragraph.
- (2) In Chapter 96 (Counter-Terrorism Act 2008 – Financial Restrictions Proceedings) <sup>M2</sup>—
- (a) for the heading substitute “ Financial Restrictions Proceedings and Sanctions Proceedings ”; and
  - (b) for “the Treasury” where it occurs substitute “ the appropriate Minister ”.
- (3) In rule 96.1 (interpretation and application of this Chapter)—
- (a) in paragraph (1)—
    - (i) after the definition of “the 2008 Act” insert—  
““the 2018 Act” means the Sanctions and Anti-Money Laundering Act 2018;  
“appropriate Minister” means—
      - (a) in relation to sanctions proceedings in respect of a decision of the Secretary of State, the Secretary of State; or
      - (b) in relation to financial restrictions proceedings, or to sanctions proceedings in respect of a decision of the Treasury, the Treasury;”;
    - (ii) after the definition of “financial restrictions proceedings” insert—  
““sanctions decision” means a decision mentioned in section 38(1) of the 2018 Act;  
“sanctions decision proceedings” means proceedings in the Court of Session on an application under section 38(2) of the 2018 Act;”;
    - (iii) in the definition of “special advocate” after “proceedings” where it first occurs insert  
“ or sanctions decision proceedings ”; and
  - (b) in paragraph 3, after “financial restrictions proceedings”, both times it appears, insert “ or sanctions decision proceedings ”.
- (4) In rule 96.2 (application to set aside a financial restrictions decision)—
- (a) in the cross-heading after “**financial restrictions decision**” insert “ **or sanctions decision** ”;
  - (b) in paragraph (1) after “financial restrictions decision” insert “ or under section 38(2) of the 2018 Act to set aside a sanctions decision ”;
  - (c) in paragraph (2)(a) after “financial restrictions decision” insert “ or sanctions decision ”; and
  - (d) in paragraph (3)(a) after “financial restrictions decision” insert “ or sanctions decision ”.
- (5) In rule 96.3 (lodging of process) after “financial restrictions proceedings” insert “ or sanctions decision proceedings ”.

**Status:** Point in time view as at 29/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Sanctions and Anti-Money Laundering) 2019, Section 2. (See end of Document for details)

(6) In rule 96.4 (disclosure) after “financial restrictions proceedings”, where it appears, insert “or sanctions decision proceedings”.

(7) In rule 96.5(1) (applications for permission not to disclose material) after “financial restrictions proceedings” insert “or sanctions decision proceedings”.

(8) In paragraphs (1), (4) and (6) of rule 96.9 (appointment of special advocates) after “financial restrictions proceedings” insert “or sanctions decision proceedings”.

(9) In paragraphs (1) and (2) of rule 96.11 (exclusion from hearings) after “financial restriction proceedings” insert “or sanctions decision proceedings”.

(10) In rule 96.12(1) (opinions of the court) after “financial restrictions proceedings” insert “or sanctions decision proceedings”.

(11) In rule 96.13 (recording of financial restrictions proceedings)—

(a) in the cross-heading after “**financial restrictions proceedings**” insert “**or sanctions decision proceedings**”; and

(b) in paragraph (1) after “financial restrictions proceedings” insert “or sanctions decision proceedings”.

#### Commencement Information

**I1** Para. 2 in force at 29.3.2019, see para. 1(2)

#### Marginal Citations

**M1** The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 ([S.I. 1994/1443](#), last amended by [S.S.I. 2018/348](#)).

**M2** Chapter 96 was inserted by [S.S.I. 2008/401](#) and amended by [S.S.I. 2009/63](#) and [S.S.I. 2009/450](#).

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**Changes to legislation:**

There are currently no known outstanding effects for the Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Sanctions and Anti-Money Laundering) 2019, Section 2.