

2022 No. 135

COURT OF SESSION

SHERIFF APPEAL COURT

**Act of Sederunt (Rules of the Court of Session 1994 and Sheriff
Appeal Court Rules Amendment) (Miscellaneous) 2022**

Made - - - - *19th April 2022*

Laid before the Scottish Parliament *20th April 2022*

*Coming into force in accordance with paragraphs 1(2) and
(3)*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 103(1) and 104(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Appeal Court Rules Amendment) (Miscellaneous) 2022.

(2) Subject to sub-paragraph (3), it comes into force on 19th May 2022.

(3) Paragraph 2 comes into force on the date that section 50(3) of the Economic Crime (Transparency and Enforcement) Act 2022(c) comes fully into force.

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

Amendment of the Rules of the Court of Session 1994

2.—(1) The Rules of the Court of Session 1994(d) are amended in accordance with this paragraph.

(2) In rule 76.37B(2) (unexplained wealth orders and interim freezing orders)(e), before sub-paragraph (a) insert—

(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(b) 2014 asp 18.

(c) 2022 c.10.

(d) 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. 2021/434.

(e) Rule 76.37B was inserted by S.S.I. 2019/146 and amended by S.S.I. 2019/405.

“(za) section 396DA of the Act of 2002 (extension of period for making determination where interim freezing order has been made)(a);”.

Amendment of the Sheriff Appeal Court Rules 2021

3.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2021(**b**) is amended in accordance with this paragraph.

(2) In rules 6.1(f) (application of chapter 6 – initiation and progress of an appeal) and 33.1 (application of chapter 33 – appeals under Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019), for “44(3)” substitute “46(3)”.

Amendment of the Sheriff Appeal Court Rules 2015

4.—(1) The Act of Sederunt (Sheriff Appeal Court Rules) 2015(**c**), as saved by the Act of Sederunt (Sheriff Appeal Court Rules) 2021, is amended in accordance with this paragraph.

(2) In rules 6.1(da) (application of chapter 6 – initiation of an appeal) and 31.1 (application of chapter 31 – appeals under Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019)(**d**), for “44(3)” substitute “46(3)”.

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
19th April 2022

(a) Section 396DA was inserted by the Economic Crime (Transparency and Enforcement) Act 2022 (c.10), section 50(3).
(b) S.S.I. 2021/468.
(c) S.S.I. 2015/356, revoked with savings by S.S.I. 2021/468 and last amended by S.S.I. 2021/452.
(d) Rule 6.1 was amended by S.S.I. 2015/419. Rule 31.1 was inserted by S.S.I. 2021/452.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session 1994 as a consequence of the enactment of the Economic Crime (Transparency and Enforcement) Act 2022 (c.10). That Act amends the Proceeds of Crime Act 2002 (c.29) to insert sections 396DA and 396DB which make provision concerning the period for which an interim freezing order has effect.

This Act of Sederunt also makes court rule amendments to the Sheriff Appeal Court Rules 2021 and 2015 to correct a cross-referencing error in those Rules.

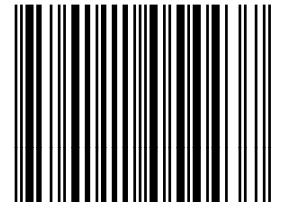
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