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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 275**

**Act of Sederunt (Rules of the Court of Session  
Amendment No. 5) (Miscellaneous) 2012**

**Disclosure Orders**

- 5.—(1) In rule 76.37 (disclosure orders)(1)—
- (a) in paragraph (1), after “391(1)” insert “of the Act of 2002”;
  - (b) after paragraph (3) insert—
    - “(4) Rule 4.11 (documents not to be borrowed) shall not apply to an application under section 391 of the Act of 2002.
    - (5) When an application is made under section 391 of the Act of 2002—
      - (a) the process shall be marked “Restricted Access”;
      - (b) only the petitioner may borrow or inspect documents lodged in process.
    - (6) The restrictions referred to in paragraph (5) shall apply for a period of 5 years from the date of the application.
    - (7) The petitioner may apply to the court by motion for extension of that 5 year period.
    - (8) Any person affected by a disclosure order may apply to the court by motion to have the restrictions mentioned in paragraph (5) varied.
    - (9) A motion under paragraph (7) or (8) shall be granted only on cause shown.”.