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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**

**Treaty of Lisbon terminology**

7.—(1) In rule 62.18 (interpretation of Part IV of Chapter 62)(1)—

- (a) in paragraph (1)(a), for “Article 244 or 256 of the E.E.C. Treaty” substitute “Article 280 or 299 of the Treaty on the Functioning of the European Union”;
- (b) in paragraph (2), omit ““E.E.C. Treaty”,”; and
- (c) after paragraph (2) insert—

“(3) In paragraph (1), “the Treaty on the Functioning of the European Union” means the treaty referred to in section 1(2)(s) of the European Communities Act 1972.”(2).

(2) In rule 65.1 (references to the European Court of Justice)(3)—

- (a) in paragraph (1), in the definition of “reference”, at subparagraph (a), for “Article 234 of the E.E.C. Treaty” substitute “Article 267 of the Treaty on the Functioning of the European Union”;
- (b) in paragraph (2), omit ““E.E.C. Treaty”,”; and
- (c) after paragraph (2) insert—

“(3) In paragraph (1), “the Treaty on the Functioning of the European Union” means the treaty referred to in section 1(2)(s) of the European Communities Act 1972.”

(3) In rule 87.1 (intimation of actions to the Office of Fair Trading)(4)—

- (a) in paragraph (1), for the definition of “the Treaty” substitute—

““The Treaty” means the Treaty on the Functioning of the European Union, as referred to in section 1(2)(s) of the European Communities Act 1972;”; and

- (b) in paragraphs (2), (3) and (4), for “Article 81 or 82” substitute “Article 101 or 102”.

(4) The title of Chapter 87 becomes “CAUSES RELATING TO ARTICLES 101 AND 102 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION”.

(5) In the Appendix, in Form 87.1 (form of notice of intimation to the Office of Fair Trading)(5), for “Article 81 or 82 of the Treaty establishing the European Community” substitute “Article 101 or 102 of the Treaty on the Functioning of the European Union”.

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(1) Rule 62.18 was inserted by [S.I. 1998/2637](#) and amended by [S.I. 1999/1281](#) and [S.S.I. 2011/288](#).  
(2) [1972 c.68](#). Section 1(2)(s) was inserted by the European Union (Amendment) Act 2008 ([c.7](#)), section 2.  
(3) Rule 65.1 was amended by [S.I. 1999/1281](#).  
(4) Rule 87.1 was inserted by [S.S.I. 2004/514](#).  
(5) Form 87.1 was inserted by [S.S.I. 2004/514](#).