

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2024 No. 84**

**Act of Sederunt (Rules of the Court of  
Session 1994 Amendment) (National  
Security Prevention and Investigation) 2024**

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

2.—(1) Chapter 89 (terrorism prevention and investigation measures)(1) of the Rules of the Court of Session 1994(2) is amended in accordance with this paragraph.

(2) For the chapter heading “**TERRORISM PREVENTION AND INVESTIGATION MEASURES**” substitute “**TERRORISM AND NATIONAL SECURITY**”.

(3) In each place where it occurs for “the Act of 2011” substitute “the 2011 Act”.

(4) In each place where it occurs omit “TPIM”.

(5) In each place where it occurs for “Schedule” substitute “schedule”.

(6) In rule 89.1 (interpretation and application of this Chapter)—

(a) in paragraph (1)—

(i) after the definition of “the 2011 Act” insert—

““the 2023 Act” means the National Security Act 2023(3);”;

(ii) in the definition of “affected persons” omit “by means of a notice”;

(iii) after the definition of “appeal proceedings” insert—

““application” means an application made under section 6(1)(b) of the 2011 Act or section 42(1)(b) of the 2023 Act;”;

(iv) in the definition of “legal representative” after “2011 Act” insert “or paragraph 4(4) (b) of schedule 10 of the 2023 Act”;

(v) in the definition of “measures” after “2011 Act” insert “or prevention and investigation measures (which has the meaning given in section 39(2) of the 2023 Act)”;

(vi) after the definition of “measures” insert—

““notice” has the same meaning as in section 2(1) of the 2011 Act or section 39(1) of the 2023 Act;

“proceedings” means “TPIM proceedings” as defined in section 30(1) of the 2011 Act or “relevant proceedings” as defined in section 62(1) of the 2023 Act;

“reference” means a reference made by the Secretary of State under paragraph 3(1) of schedule 2 of the 2011 Act or paragraph 3(1) of schedule 8 of the 2023 Act;”;

---

(1) Chapter 89 was inserted by [S.S.I. 2005/153](#) and substituted by [S.S.I. 2011/441](#).

(2) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) ([S.I. 1994/1443](#)), last amended by [S.S.I. 2024/75](#).

(3) [2023 c. 32](#).

- (vii) in the definition of “special advocate” after “2011 Act” add “or under paragraph 10(1) of schedule 10 of the 2023 Act”;
- (viii) omit the definition of “TPIM notice”;
- (ix) omit the definition of “TPIM proceedings”;
- (b) for paragraph (2) substitute—
  - “(2) This Chapter applies to proceedings and appeal proceedings under the 2011 Act and the 2023 Act.”.
- (7) In rule 89.2 (TPIM orders and imposed measures: petitions)—
  - (a) for the heading “**TPIM orders and imposed measures: petitions**” substitute “**Petitions**”;
  - (b) in paragraph (1)—
    - (i) in sub-paragraph (a) omit “made under section 6(1)(b) of the Act of 2011”;
    - (ii) in sub-paragraph (b) omit “under paragraph 3(1) of the Act of 2011”;
  - (c) in paragraph (5)—
    - (i) in sub-paragraph (b) omit “under section 6(1)(b) of the Act of 2011”;
    - (ii) in sub-paragraph (c) omit “under paragraph 3(1) of Schedule 2 to the Act of 2011”.
- (8) In rule 89.3 (initial diets)—
  - (a) in paragraph (1) omit “notices and imposed measures.”;
  - (b) in paragraph (5)—
    - (i) after “2011 Act” where it first occurs insert “or section 44 of the 2023 Act”;
    - (ii) after “2011 Act” where it second occurs insert “or section 45 of the 2023 Act”;
  - (c) in paragraph (6)—
    - (i) for “shall include such order for further procedure as he or she” substitute “or section 44 of the 2023 Act shall include such order for further procedure as the Lord Ordinary”;
    - (ii) after “2011 Act” where it second occurs insert “or section 44 of the 2023 Act”;
  - (d) in paragraph (7)—
    - (i) for “shall include such order for further procedure as he or she” substitute “or section 45 of the 2023 Act shall include such order for further procedure as the Lord Ordinary”;
    - (ii) after “2011 Act” where it second occurs insert “or section 45 of the 2023 Act”.
- (9) In rule 89.4 (appeals relating to terrorism prevention and investigation measures)—
  - (a) for the heading “**Appeals relating to terrorism prevention and investigation measures**” substitute “**Appeals**”;
  - (b) in paragraph (1) omit from “under” to the end;
  - (c) in paragraph (2) omit “under section 16 of the 2011 Act”;
  - (d) in paragraph (3) omit “under section 16 of the 2011 Act”.
- (10) In rule 89.8 (anonymity), in paragraph (2) after “2011 Act” insert “or paragraph 6 of schedule 10 of the 2023 Act”.
- (11) In rule 89.10 (recording of TPIM and appeal proceedings)—
  - (a) for the heading “**Recording of TPIM and appeal proceedings**” substitute “**Recording**”;
  - (b) in paragraph (1) for “proceedings” substitute “Proceedings”.

---

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---