
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 472

COURT OF SESSION

SHERIFF APPEAL COURT

SHERIFF COURT

Act of Sederunt (Challenges to Validity of EU Instruments (EU Exit)) (Amendment) 2020

Made - - - - - *23rd December 2020*

Laid before the Scottish Parliament *24th December 2020*

Coming into force in accordance with paragraph 1(2)

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 (Challenges to Validity of EU Instruments (EU Exit)) (Amendment) 2020.

(2) It comes into force immediately before IP completion day.

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

Amendment of the Act of Sederunt (Challenges to Validity of EU Instruments (EU Exit) in the Court of Session) 2019

2.—(1) The Act of Sederunt (Challenges to Validity of EU Instruments (EU Exit) in the Court of Session) 2019(c) is amended in accordance with this paragraph.

(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) S.S.I. 2019/328.

(2) In paragraph 2(2) (amendment of the Rules of the Court of Session 1994), where it inserts rule 108(2) (declarations from the court that an EU instrument was invalid – notices) in the Rules of the Court of Session 1994(a), for “exit day” substitute “IP completion day”.

Amendment of the Act of Sederunt (Challenges to Validity of EU Instruments (EU Exit) in the Sheriff Appeal Court and Sheriff Court) 2019

3.—(1) The Act of Sederunt (Challenges to Validity of EU Instruments (EU Exit) in the Sheriff Appeal Court and Sheriff Court) 2019(b) is amended in accordance with this paragraph.

(2) In paragraph 4(1) (declarations from the court that an EU instrument was invalid – notices), for “exit day” substitute “IP completion day”.

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
23rd December 2020

(a) 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. 2020/440.
(b) S.S.I. 2019/329.

EXPLANATORY NOTE

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

This Act of Sederunt amends the Act of Sederunt (Challenges to Validity of EU Instruments (EU Exit) in the Court of Session) 2019 (S.S.I. 2019/328) and the Act of Sederunt (Challenges to Validity of EU Instruments (EU Exit) in the Sheriff Appeal Court and Sheriff Court) 2019 (S.S.I. 2019/329) (“the two Principal Instruments”).

The two Principal Instruments come into force on IP completion day by the operation of paragraph 1 of Schedule 5 of the European Union (Withdrawal Agreement) Act 2020 (c.1) (“the Act”). This Act of Sederunt comes into force immediately before IP completion day.

Paragraphs 2 and 3 amend the two Principal Instruments by substituting “IP completion day” for “exit day” in consequence of the Act and the amendments made to the Challenges to Validity of EU Instruments (EU Exit) Regulations 2019 (S.I. 2019/673) by the Challenges to Validity of EU Instruments (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1503).