SCOTTISH STATUTORY INSTRUMENTS

2004 No. 222

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Sexual Offences Act 2003) 2004

Made - - - -	*14th May 2004*
Coming into force - -	*21st May 2004*

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(**1**), sections 99(3), 106(11) and 116(6) of the Sexual Offences Act 2003(**2**) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Sexual Offences Act 2003) 2004, and shall come into force on 21st May 2004.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of the Summary Application Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(**3**) is amended in accordance with paragraph (2).

(2) In Chapter 3 (rules on applications under specific statutes), after Part XXIV (International Protection of Adults)(**4**), insert–

(**1**) 1971 c. 58. Section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c. 32), section 2(4), the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 13 and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43 and was extended by the Child Support Act 1991 (c. 48) sections 39(2) and 49.

(**2**) 2003 c. 42.

(**3**) S.I.1999/929; amended by S.S.I. 2000/148 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, and 2003/26, 27, 98, 261, 316, 346 and 556.

(**4**) Part XXIV was inserted by S.S.I. 2003/556

"PART XXV

SEXUAL OFFENCES ACT 2003

Interpretation

3.25.1. In this Part–

"the Act" means the Sexual Offences Act 2003.

Time limit for service of a notice under section 99(3)

3.25.2. If the person in respect of whom a notification order is sought wishes to serve on the applicant a notice under section 99(3) of the Act, that person must do so no later than 3 working days before the hearing date for the application for the relevant notification order.

Time limit for service of a notice under section 106(11)

3.25.3. If the person in respect of whom a sexual offences prevention order is sought wishes to serve on the applicant a notice under section 106(11) of the Act, that person must do so no later than 3 working days before the hearing date for the application for the relevant sexual offences prevention order.

Time limit for service of a notice under section 116(6)

3.25.4. If the person in respect of whom a foreign travel order is sought wishes to serve on the applicant a notice under section 116(6) of the Act, that person must do so no later than 3 working days before the hearing date for the application for the relevant foreign travel order.

Remit of original process under section 108(1)

3.25.5. Where an application is made under section 108(1) of the Act for an order varying, renewing or discharging a sexual offences prevention order (a "section 108 order") to a sheriff other than a sheriff of the sheriff court which granted the sexual offences prevention order in respect of which the relevant section 108 order is sought (in this rule, the "granting sheriff court")–

(a) the sheriff court to which the application for the relevant section 108 order has been made (in this rule, the "requesting sheriff court") shall notify the granting sheriff court of such application; and

(b) the granting sheriff court shall, within 4 days of receipt of such notification, remit to the requesting sheriff court the original process relating to the relevant sexual offences prevention order.

Remit of original process under section 118(1)

3.25.6. Where an application is made under section 118(1) of the Act for an order varying, renewing or discharging a foreign travel order (a "section 118 order") to a sheriff other than a sheriff of the sheriff court which granted the foreign travel order in respect of which the relevant section 118 order is sought (in this rule, the "granting sheriff court")–

(a) the sheriff court to which the application for the relevant section 118 order has been made (in this rule, the "requesting sheriff court") shall notify the granting sheriff court of such application; and