SCOTTISH STATUTORY INSTRUMENTS

2004 No. 206

HIGH COURT OF JUSTICIARY
SHERIFF COURT
DISTRICT COURTS

Act of Adjournal (Criminal Procedure Rules Amendment No. 2) (Sexual Offences Act 2003) 2004

Made - - - -	*30th April 2004*
Coming into force - -	*1st May 2004*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 305 of the Criminal Procedure (Scotland) Act 1995(**1**), and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 2) (Sexual Offences Act 2003) 2004 and shall come into force on 1st May 2004.

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

Amendment of the Act of Adjournal (Criminal Procedure Rules) 1996

2.—(1) The Act of Adjournal (Criminal Procedure Rules) 1996(**2**) shall be amended in accordance with the following sub-paragraphs.

(2) For rule 20.3A (sexual offences to which Part 1 of the Sex Offenders Act 1997 applies) there shall be substituted the following:–

"**Sexual offences to which Part 2 of the Sexual Offences Act 2003 applies**

20.3A.—(1) A certificate under section 92(2) of the Sexual Offences Act 2003(**3**) (certificate that an accused has been convicted of, found not guilty by reason of insanity of, or found to be under a disability and to have done the act charged against him in respect of, an offence listed in Schedule 3 to that Act) shall be in Form 20.3A A.

(**1**) 1995 c. 46.
(**2**) S.I. 1996/513, last amended by S.S.I. 2004/195.
(**3**) 2003 c. 42.

(2) Subject to paragraph (3), when a certificate such as is mentioned in paragraph (1) is prepared, the accused shall be given a copy of it by the clerk of the court, together with a notice in Form 20.3A B.

(3) If the certificate is not prepared immediately after the statement in open court but is to be prepared subsequently, the clerk of the court shall forthwith give the accused the notice required by paragraph (2) and shall in due course send a copy of the certificate to the accused.

(4) The clerk of the court shall retain a copy of the notice given to the accused and shall record on that copy the fact that notice has been so given.

(5) The record made under paragraph (4) shall be sufficient evidence of the fact recorded; and a certificate of posting sufficient evidence of the sending of a copy under paragraph (3).".

(3) After Chapter 45 (Fur Farming (Prohibition) (Scotland) Act 2002) there shall be inserted the following:–

"CHAPTER 46

PARENTAL DIRECTIONS UNDER THE SEXUAL OFFENCES ACT 2003

Young offenders: parental directions

46.1. Where a court makes a direction under section 89(1) of the Sexual Offences Act 2003 (young offenders: parental directions) in respect of an individual having parental responsibilities in relation to a young offender, the clerk of the court shall—

(a) intimate the making of the direction; and

(b) deliver or send by post a copy of the notice in Form 20.3A-B (notice of requirement to notify police under Part 2 of the Sexual Offences Act 2003),

to that individual and to the chief constable of the police force within the area of which the young offender resides.

Applications to vary, renew or discharge parental directions

46.2. An application under section 90(1) of the Sexual Offences Act 2003 (parental directions: variations, renewals and discharges) shall be made by petition in Form 46.2.".

(4) In the appendix–

(a) for Form 20.3A-A and Form 20.3A-B respectively, there shall be substituted the forms set out in Schedule 1 to this Act of Adjournal;

(b) at the end there shall be inserted the form set out in Schedule 2 to this Act of Adjournal.

Edinburgh
30th April 2004

Cullen of Whitekirk
Lord Justice General I.P.D.

SCHEDULE 1 Rule 20.3A(1)

FORM 20.3A-AForm of certificate under section 92(2) of the Sexual Offences Act 2003 of conviction or of findingCERTIFICATE UNDER SECTION 92(2) OF THE SEXUAL OFFENCES ACT 2003 OF CONVICTION [*or* FINDING]

.... Court Date.. . ...

Case No. .....

Name: Address: Date of birth:
Date of conviction [*or* finding]: Date of sentence if different:
Offence(s) and sentence(s):

I hereby certify, under section 92(2) of the Sexual Offences Act 2003, that the above named accused was on the above date convicted of [*or* found not guilty by reason of insanity of] [*or* found to be under a disability and to have done the act[s] charged against him in respect of] the above offence[s]; that the offence is a sexual offence [*or* offences are sexual offences] to which Part 2 of that Act applies; and that the court so stated in open court on that date.

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CLERK OF COURT

FORM 20.3A-BForm of notice of requirement to notify police under Part 2 of the Sexual Offences Act 2003