

*These notes relate to the Criminal Procedure (Amendment) (Scotland)
Act 2004 (asp 5) which received Royal Assent on 4th June 2004*

CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 - Miscellaneous and General

Section 24 - Protection of Children (Scotland) Act 2003: references following conviction

168. This section amends section 10 of the Protection of Children (Scotland) Act 2003 which sets out the arrangements for referral of individuals convicted of an offence against a child for inclusion in the list of persons considered unsuitable to work with children. Section 10 of the 2003 Act specifies the circumstances in which a court shall propose to make a referral and those where there is a discretion allowing them to propose a reference. At the time of the conviction the court is to propose the referral but the actual referral is not made until the period for lodging an appeal against that proposed reference is exhausted. Section 19B amends section 10 of the 2003 Act to provide that the actual reference is to be made either when the period for bringing an appeal has expired without an appeal having been brought, or where an appeal has been brought timeously and has been dismissed or abandoned.
169. The Criminal Procedure (Scotland) Act 1995 allows for the time limits for bringing appeals to be extended. Section 19B makes relevant changes to sections 110 and 111 in relation to appeals from solemn proceedings, to section 181 in relation to appeals from summary proceedings and to section 186 in relation to appeals against sentence to make it clear that there can be no extension of the period in which an appeal can be made against a proposed reference. This does not affect the Court's power to extend periods during which appeals can be made against convictions, sentences or disposals.