

2003 No. 378 (C. 18)

CRIMINAL LAW

**The Sexual Offences (Amendment) Act 2000
(Commencement No. 4) (Scotland) Order 2003**

Made

4th August 2003

The Scottish Ministers, in exercise of the powers conferred by section 7(3) of the Sexual Offences (Amendment) Act 2000^(a), hereby make the following Order:

Citation and extent

1.—(1) This Order may be cited as the Sexual Offences (Amendment) Act 2000 (Commencement No. 4) (Scotland) Order 2003.

(2) This Order extends to Scotland only.

Appointed day

2. To the extent, if any, that the following provisions of the Sexual Offences (Amendment) Act 2000 are not in force they shall come into force on 11th August 2003:

- (a) section 1(3) and (5);
- (b) section 2(4);
- (c) section 3;
- (d) section 4(1), (2), (3) (except paragraphs (a) and (b)), (4) (except paragraph (d)), (5), (6), (7), (8) and (9) (except those provisions in subsection (9) which relate only to England and Wales or Northern Ireland);
- (e) section 5(1) and (3); and
- (f) section 6(2).

MALCOLM CHISHOLM
A member of the Scottish Executive

St Andrew's House,
Edinburgh
4th August 2003

^(a) 2000 c.44. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 7(2) of the 2000 Act and section 53 of the Scotland Act 1998 (c.46).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 11th August 2003 to the extent, if any, that they are not already in force sections 1(3) and (5), 2(4), 3, 4(1), (2), 3 (except paragraphs (a) and (b)), (4) (except paragraph (d)), (5), (6), (7), (8) and (9) (except those provisions in subsection (9) which relate only to England and Wales or Northern Ireland), 5(1) and (3) and 6(2) of the Sexual Offences (Amendment) Act 2000 (“the Act”).

This Order follows upon the Sexual Offences (Amendment) Act 2000 (Commencement No. 3) Order 2003 (S.I. 2003/1935) and, together with that Order, is intended to address the doubts expressed by the Subordinate Legislation Committee (9th Report 2001, SP Paper 278), when considering the Sexual Offences (Amendment) Act 2000 (Commencement No. 2) Order 2000 (S.S.I. 2000/452), as to whether section 7(2) of the Act had been brought into force and in consequence whether the power to make that Order had devolved to the Scottish Ministers.

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