

2014 No. 349

HIGH COURT OF JUSTICIARY

SHERIFF COURT

JUSTICE OF THE PEACE COURT

**Act of Adjournal (Criminal Procedure Rules Amendment No. 2)
(Miscellaneous) 2014**

Made - - - - - *3rd December 2014*

Laid before the Scottish Parliament *3rd December 2014*

Coming into force - - - *4th December 2014*

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(a), and all other powers enabling them in that behalf, do hereby enact and declare:

Citation, commencement etc.

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 2) (Miscellaneous) 2014.

(2) It comes into force on 4th December 2014.

(3) A certified copy of this Act of Adjournal is to be inserted in the Books of Adjournal.

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

2.—(1) The Criminal Procedure Rules 1996(b) are amended in accordance with the following subparagraphs.

(2) For Form 20.3A-B(c), substitute Form 20.3A-B set out in Part 1 of the Schedule to this Act of Sederunt.

(a) 1995 c.46.

(b) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2014/242).

(c) Form 20.3A-B was amended by S.S.I. 2013/196.

(3) In paragraph (h) of Form 54.1(a), for point 3 substitute the text set out in Part 2 of the Schedule to this Act of Adjournal.

BRIAN GILL
Lord Justice General
I.P.D.

Edinburgh
3rd December 2014

(a) Form 54.1 was inserted by S.S.I. 2009/345.

SCHEDULE

Paragraph 2(2) and (3)

PART 1

Form 20.3A-B

Rule 20.3A(2)

Form of notice of requirement to notify police under Part 2 of the Sexual Offences Act 2003

NOTICE OF REQUIREMENT TO NOTIFY POLICE

(This notice contains a summary of the notification requirements you must comply with. It is not a complete statement of the law. If you need further explanation or advice you should consult a solicitor)

Case No.

You have been convicted of [*or found not guilty by reason of insanity of*] [*or found to be under a disability and to have done the act charged against you in respect of*] a sexual offence covered by the Sexual Offences Act 2003. The details are set out in the certificate of conviction [*or finding*] which is attached to this notice [*or will be sent to you*].

This means that you are now required by law to notify certain information to the police. Unless otherwise stated, the required information must be provided within the next 3 days (or, if you are in custody, within 3 days of your release)

You must notify the police

- (1) Of your name and any other names you use or have used, your date of birth, your home address (*i.e.* your sole or main residence in the UK or, if you have no such residence, the address or location of any place in the UK where you can regularly be found and, if there is more than one place, your choice of one of these places), and your national insurance number.
- (2) Of any change to your name or home address, or that you have been released from custody within 3 days of the date of the change, or your release.
- (3) Of any address in the UK where you reside or stay for 7 days or longer. This means either 7 days at a time or a total of 7 days in any 12 month period.
- (4) Of your details every 12 months even if there is no change to those details.
- (5) Whether you have a passport, and, in relation to each passport you have, specify the issuing authority, the number, the dates of issue and expiry and the name and date of birth given as being those of the passport holder. Should you lose or cease to have a passport that has been notified or receive a passport that has not been notified, you must notify the police of this within 3 days of the change in circumstances.
- (6) Whether you hold (either in your name or jointly with another person) any bank account(s).
- (7) Whether you hold any bank account(s) in the name of an unincorporated business which you operate, either solely or with another person.
- (8) Whether you hold a debit card in connection with any account described in paragraph (6) or (7).

- (9) Whether you hold (either in your own name or jointly with any other person) any account(s) with a credit card provider.
- (10) Whether any unincorporated business which you operate (either on your own or with any other person) holds any account(s) with a credit card provider.
- (11) Whether you hold a credit card(s) in connection with any account(s) as described in paragraphs (9) or (10).
- (12) If you hold any bank account(s) as described in paragraph (6), you must notify the police of
 - (a) the name of the bank;
 - (b) the address of the office where the account is maintained;
 - (c) the account number and sort code.
- (13) If you hold any bank account(s) as described in paragraph (7), you must notify the police of
 - (a) the name of the bank;
 - (b) the address of the office where the account is maintained;
 - (c) the account number and sort code;
 - (d) the name of the business in which the account is held.
- (14) If you hold any debit card(s) as described in paragraph (8), you must notify the police of
 - (a) the card number of each debit card;
 - (b) the validation date of each debit card;
 - (c) the expiry date of each debit card;
 - (d) the name of any business in whose name the card is held.
- (15) If you hold any account(s) as described in paragraphs (9) or (10), you must notify the police of
 - (a) the name of the credit card provider;
 - (b) the address of the office at which the account is maintained; and
 - (c) the name of any business in whose name the account is held.
- (16) If you hold any credit card(s) as described in paragraph (11), you must notify the police of
 - (a) the card number;
 - (b) the validation date;
 - (c) the expiry date;
 - (d) the name of any business in whose name the card is held.

Please note: if you are already subject to the notification requirements because of a previous conviction, or finding for a relevant offence then it is not necessary to make another initial notification. However, you will have to comply with all other notification requirements (including the requirement to notify the police within 3 days of any release from custody or detention).

You must give this notice by going to a designated police station in the police area in which your home is situated and giving it in **person**. If you do not know the designated police station in the police area in your home is situated in, or which police stations are in that area, then ask at **any** police station.

These requirements apply to you from [*date of conviction or finding*] and shall continue to apply for 5 years [*or for 7 years*] [*or for 10 years*] [*or for the duration of your probation order*] [*or indefinitely*].

If you fail to comply with these requirements without reasonable excuse, or give the police false information, you could be fined, or sent to prison for up to 5 years, or both.

PART 2

3. Indicate if the person concerned appeared in person at the trial resulting in the decision:

1. Yes, the person appeared in person at the trial resulting in the decision.
2. No, the person did not appear in person at the trial resulting in the decision.
3. If you have ticked the box under point 2, please confirm the existence of one of the following:
 - 3.1.a. the person was summoned in person on ... (day/month/year) and thereby informed of the scheduled date and place of the trial which resulted in the decision and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

- 3.1.b. the person was not summoned in person but by other means received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

- 3.2 being aware of the scheduled trial, the person had given a mandate to a legal counsellor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counsellor at the trial;

OR

- 3.3 the person was served with the decision on ... (day/month/year) and was expressly informed about the right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed, and

- the person expressly stated that he or she does not contest this decision,

OR

- the person did not request a retrial or appeal within the applicable time frame;

OR

- 3.4 the person, having been expressly informed about the proceedings and the possibility to appear in person in a trial, expressly waived his or her right to an oral hearing and has expressly indicated that he or she does not contest the case.

4. If you have ticked the box under points 3.1b, 3.2, 3.3 or 3.4 above, please provide information about how the relevant condition has been met:

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EXPLANATORY NOTE

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

This Act of Adjournal substitutes Form 20.3A-B of the Criminal Procedure Rules 1996 to make the notification requirements following conviction for a sexual offence clearer.

In addition, it amends Form 54.1 to provide additional procedural safeguards when financial penalties imposed in absence in other European Union jurisdictions are being collected by the Scottish Courts.

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