
EXPLANATORY NOTE

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

This Act of Adjournal amends the Act of Adjournal (Criminal Procedure Rules) 1996 (“the Criminal Procedure Rules”) and the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No. 4) (Sheriff Appeal Court) 2015. It comes into force on 1st September 2015.

Paragraphs 2, 4 and 5(3) to (7) amend the Criminal Procedure Rules in consequence of the coming into force of the Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”).

Paragraph 2 amends rule 2.3A of the Criminal Procedure Rules to enable vulnerable witness notices and vulnerable witness applications to be intimated to the solicitor for an accused via the Criminal Justice Secure eMail system, in addition to the existing methods of intimation.

Paragraph 4 amends Chapter 22 of the Criminal Procedure Rules, principally to reflect changes in terminology (e.g. child witness notices becoming vulnerable witness notices) as a result of the amendments made to the Criminal Procedure (Scotland) Act 1995 by the 2014 Act. Paragraph 5(3) to (7) makes similar amendments to the Forms in the Appendix, and inserts new Forms that are required in consequence of the 2014 Act amendments.

Paragraph 3 amends rule 19A.1 of the Criminal Procedure Rules so that, where the High Court of Justiciary adjourns a preliminary hearing, the Clerk of Justiciary may alter the place where the adjourned preliminary hearing is to be heard.

Paragraph 5(2) substitutes a new Form 20.3A-B (form of notice of requirement to notify police under Part 2 of the Sexual Offences Act 2003) in the Appendix to the Criminal Procedure Rules. It adds the requirement to notify the police of plans to travel outside the United Kingdom, and clarifies that the Form contains a summary of the requirements, not a complete statement of the law.

Paragraph 6 corrects minor errors in the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No. 4) (Sheriff Appeal Court) 2015 before that instrument comes into force on 22nd September 2015.