

**2017 No. 298**

**HIGH COURT OF JUSTICIARY**

**SHERIFF COURT**

**Act of Adjournal (Criminal Procedure Rules 1996 Amendment)  
(No. 4) (Publicity, Remedial and Remediation Orders) 2017**

*Made* - - - - - *13th September 2017*

*Laid before the Scottish Parliament* *14th September 2017*

*Coming into force* - - - *1st October 2017*

The High Court of Justiciary makes this Act of Adjournal under the powers conferred by section 305 of the Criminal Procedure (Scotland) Act 1995<sup>(a)</sup> and all other powers enabling it to do so.

**Citation and commencement, etc.**

**1.**—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No. 4) (Publicity, Remedial and Remediation Orders) 2017.

(2) It comes into force on 1st October 2017.

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

**Amendment of the Criminal Procedure Rules 1996**

**2.**—(1) The Criminal Procedure Rules 1996<sup>(b)</sup> are amended in accordance with this paragraph.

(2) In Chapter 60 (Regulatory Reform (Scotland) Act 2014)<sup>(c)</sup>—

(a) for the Chapter title substitute “PUBLICITY, REMEDIAL AND REMEDIATION ORDERS”;

(b) in rule 60.1 (interpretation)—

(i) after the definition of “the Act of 2014” insert—

““the Act of 2016” means the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016”<sup>(d)</sup>;

(ii) in the definition of “publicity order”, after “2014” insert “or an order made under section 30(4) of the Act of 2016”; and

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<sup>(a)</sup> 1995 c.46. Section 305 was amended by the Criminal Justice (Scotland) Act 2016 (asp 1) and S.S.I. 2015/338, and was extended by the Serious Crime Act 2007 (c.27), section 36A(4) and the Psychoactive Substances Act 2016 (c.2), section 32(5).

<sup>(b)</sup> The Criminal Procedure Rules, 1996 are in schedule 2 of the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2017/251).

<sup>(c)</sup> Chapter 60 was inserted by S.S.I. 2014/162.

<sup>(d)</sup> 2016 asp 14.

- (iii) after definition of “publicity order” insert—
    - ““remedial order” means an order made under section 30(3) of the Act of 2016.”;
  - (c) in rule 60.3 (remediation orders)—
    - (i) for the cross-heading substitute “**Remedial and Remediation Orders**”; and
    - (ii) before “remediation” insert “remedial order or”.
  - (d) in rule 60.4 (variation of remediation order)
    - (i) for the cross-heading substitute “**Variation of orders**”; and
    - (ii) for paragraph (1) substitute—
      - “(1) An application for the variation of—
        - (a) a publicity order under section 30(8) of the Act of 2016;
        - (b) a remedial order; or
        - (c) a remediation order;
 shall be made by petition in Form 60.4.”; and
  - (e) in paragraph (2)(a), for “and SEPA” substitute “and, in the case of an application under section 41(5) of the Act of 2014, to SEPA”.
- (3) In the Appendix—
- (a) in Form 60.2 (form of publicity order)(a)—
    - (i) for “section 36(2) of the Regulatory Reform (Scotland) Act 2014” substitute “[*here insert relevant statutory provision*]”; and
    - (ii) where it second occurs, for “SEPA” substitute “[SEPA]”;
  - (b) in Form 60.3 (form of remediation order)(b)—
    - (i) in the title for “**remediation order**” substitute “**remedial order or remediation order**”; and
    - (ii) in the heading for “REMEDIAL ORDER” substitute “REMEDIAL ORDER *or* REMEDIATION ORDER”;
    - (iii) for “section 40(1) of the Regulatory Reform (Scotland) Act 2014” substitute “[*here insert relevant statutory provision*]”; and
    - (iv) for “SEPA” substitute “[SEPA]”; and
  - (c) in Form 60.4 (form of petition for variation of remediation order)(c)—
    - (i) in the title for “**Form of petition for variation of remediation order**” substitute “**Form of petition for variation of orders under rule 60.4**”; and
    - (ii) each time it occurs, for “remediation order” substitute “publicity order [*or* remedial order] [*or* remediation order]”.

CJM SUTHERLAND  
Lord Justice General  
I.P.D.

Edinburgh  
13th September 2017

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(a) Form 60.2 was inserted by S.S.I. 2014/162.  
 (b) Form 60.3 was inserted by S.S.I. 2014/162.  
 (c) Form 60.4 was inserted by S.S.I. 2014/162.

## **EXPLANATORY NOTE**

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

This Act of Adjournal amends the Criminal Procedure Rules 1996 by to make provision for remedial orders and publicity orders made by the court under the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the 2016 Act”).

Paragraph 2(2) amends the title of Chapter 60, rule 60.1 (interpretation), the cross-heading of rules 60.3 and 60.4 and rules 60.3 and 60.4 themselves to reflect the power of the court to make remedial orders and publicity orders under the 2016 Act.

Paragraph 2(3) amends Form 60.2, Form 60.3 and Form 60.4 to reflect the fact that these orders can now be made and varied under the 2016 Act.

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