

SCHEDULE 1

Paragraph 2(3)

Form 76

Rule 3.53.2(a)

Form of application for an Order under section 36 of the Age of Criminal Responsibility (Scotland) Act 2019

SHERIFFDOM OF *(insert name of sheriffdom)*

Court Ref No:

AT *(insert place of sheriff court)*

APPLICATION

by

[A.B.] *(insert designation and address of constable)*

Applicant

The applicant applies to the court for an order under section 36 of the Age of Criminal Responsibility (Scotland) Act 2019 (“the 2019 Act”) authorising:

- [1. A search of *(insert name, address and date of birth of child to which the search relates)* (“the child”);]
- [2. Entry to and search of the premises at *(insert address)* (“the premises”);]
- [3. Entry to and search of the vehicle *(insert such description to identify the vehicle to be searched including registration number or such other suitable identifier)* (“the vehicle”); and]
- [4. The seizure of anything the constable may find [on the child,] [[or] on the premises,] [[or] in the vehicle] relevant to the investigation of the behaviour to which the application relates.]

Statement

1. This application is made pursuant to section 34 of the 2019 Act.
2. The child in respect of whom the order is sought is *(insert name, address and date of birth)*.
3. The child is [habitually resident within the area of the court] [[and] the behaviour to which the application relates is suspected to have occurred within the area of the court.] This court accordingly has jurisdiction.
4. A parent (which includes guardian and any person who has care of the child) of the child [is *(insert name and address)* OR is not known].

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5. The applicant has reasonable grounds to suspect that—
 - a. the child [by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person *OR* by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person]; and
 - b. evidence relevant to the investigation of that behaviour may be found [on the child,] [[or] on the premises] [[or] in the vehicle].
6. *(insert here a brief statement indicating the basis upon which these matters are known or suspected by the applicant).*
- [7. The applicant has reasonable grounds to suspect that evidence relevant to the investigation of the behaviour to which the application relates may be lost, disposed of, or tampered with, if an opportunity to make representations about this application was to be given to [the child,] [[or] a parent of the child,] [[or] any other person considered to have an interest in the application].

(insert here a brief statement indicating the basis upon which these matters are known or suspected by the applicant).]
8. The applicant attaches to this application the following supporting evidence—

(insert details).
9. In the circumstances narrated the applicant is entitled to the order(s) sought and such order(s) should be granted accordingly.

(Signed)

[P.Q.] *(Applicant)*

or [X.Y.] *(add designation and business address)*

Solicitor for Applicant

(insert date)

Form 77

Rule 3.53.2(b)

Form of application for an Order under section 44(2) of the Age of Criminal Responsibility (Scotland) Act 2019

SHERIFFDOM OF *(insert name of sheriffdom)*

Court Ref No:

AT *(insert place of sheriff court)*

APPLICATION

by

[A.B.] *(insert designation and address of constable)*

Applicant

The applicant applies to the court for an order under section 44(2) of the Age of Criminal Responsibility (Scotland) Act 2019 (“the 2019 Act”) authorising:

1. An investigative interview of *(insert name, address and date of birth of child to which the investigative interview relates)* (“the child”);
2. *(specify any other action required in connection with the interview, in respect of which the court’s authority is sought pursuant to section 44(5) of the 2019 Act).*

Statement

1. This application is made pursuant to section 42 of the 2019 Act.
2. The child in respect of whom the order is sought is *(insert name, address and date of birth)*.
3. The child is [habitually resident within the area of the court] [[and] the behaviour to which the application relates is suspected to have occurred within the area of the court]. This court accordingly has jurisdiction.
4. A parent (which includes guardian and any person who has care of the child) of the child [is *(insert name and address)* OR is not known].
5. The applicant—
 - a. has reasonable grounds to suspect that the child, while under 12 years of age, [by behaving in a violent or dangerous way, has caused or risked causing serious physical harm to another person OR by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person]; and

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- b. considers that an investigative interview of the child in relation to the behaviour to which the application relates is necessary to properly investigate the child's behaviour and the circumstances surrounding it (including whether a person other than the child has committed an offence).
6. *(insert here a brief statement indicating the basis upon which these matters are known or suspected by the applicant).*
7. The applicant has determined that *(insert name of local authority)* is the relevant local authority in relation to the planning and conduct of the proposed investigative interview of the child. The applicant [has consulted that local authority about the making of this application and the provisional plans for the investigative interview *OR* has not consulted the local authority as it was not practicable to do so].
8. An investigative interview of the child [took place on *OR* was scheduled to take place on] *(insert date, time, location)* by virtue of section 40(1) of the 2019 Act. The child [[and] the child's parent *(insert name)*] withdrew their previously given agreement to the investigative interview of the child being conducted *(insert here a brief statement indicating when and how such an agreement was withdrawn)* [[and] failed to comply in a material respect with the plans drawn up for the investigative interview].
- [9. Questioning of the child took place on *(insert date, time and location)* by virtue of section 54 of the 2019 Act, on the authority of *(insert name of authorising senior officer)*.]
- [10. The applicant has reasonable grounds to suspect that evidence relevant to the investigation of the behaviour to which the application relates may be lost, disposed of or tampered with, if an opportunity to make representations about this application was to be given to [the child] [[or] a parent of the child,] [[or] any other person considered to have an interest in the application.]
- (insert here a brief statement indicating the basis upon which these matters are known or suspected by the applicant).*
11. The applicant attaches to this application the following supporting evidence—
- (insert details).*
- (The provisional plans for the investigative interview of the child must be attached to this application).*
12. In the circumstances narrated the applicant is entitled to the order(s) sought and such order(s) should be granted accordingly.

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(Signed)

[P.Q.] *(Applicant)*

or [X.Y.] (add designation and business address)

Solicitor for Applicant

(insert date)

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Form 78

Rule 3.53.2(c)

Form of application for an Order under section 63 of the Age of Criminal Responsibility (Scotland) Act 2019

SHERIFFDOM OF *(insert name of sheriffdom)*

Court Ref No:

AT *(insert place of sheriff court)*

APPLICATION

by

[A.B.] *(insert designation and address of constable)*

Applicant

The applicant applies to the court for an order under section 63 of the Age of Criminal Responsibility (Scotland) Act 2019 ("the 2019 Act") authorising:

1. the taking of relevant physical data and/or relevant samples from *(insert name, address and date of birth of child)* ("the child");
(insert details of data and/or samples to be taken, including, where relevant whether authority is sought to taken an intimate sample).
- [2. and *(specify any other action required in connection with the taking of relevant physical data/samples from the child pursuant to section 63(4) and (6) of the 2019 Act).*]

Statement

1. This application is made pursuant to section 61 of the 2019 Act.
2. The child in respect of whom the order is sought is *(insert name, address and date of birth)*.
3. The child is [habitually resident within the area of the court] [[and] the behaviour to which the application relates is suspected to have occurred within the area of the court.] This court accordingly has jurisdiction.
4. A parent (which includes guardian and any person who has care of the child) of the child [is *(insert name and address and relationship to the child)* OR is not known].

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5. The applicant—
 - a. has reasonable grounds to suspect that the child, [by behaving in violent or dangerous way, has caused or risked causing serious physical harm to another person *OR* by behaving in a sexually violent or sexually coercive way, has caused or risked causing harm (whether physical or not) to another person]; and
 - b. considers that the taking of the relevant physical data or relevant sample from the child is necessary to properly investigate the child's behaviour and the circumstances surrounding it.
6. *(insert here a brief statement indicating the basis upon which these matters are known or suspected by the applicant).*
- [7. Physical data or samples *(specify the data or sample taken)* were taken from the child on *(insert date, time, location)* by virtue of section 69 of the Act, and on the authority of *(insert name of authorising senior officer)*.]
- [8. The applicant proposes that the intimate sample(s) to be taken from the child is [are] taken by *(insert proposed class or classes of health care professional as per section 65(2) of the Act)*.]
- [9. The applicant has reasonable grounds to suspect that evidence relevant to the investigation of the behaviour to which the application relates may be lost, disposed of, or tampered with, if an opportunity to make representations about this application was to be given to [the child,] [[or] a parent of the child,] [[or] any other person considered to have an interest in the application].

(insert here a brief statement indicating the basis upon which these matters are known or suspected by the applicant).]
10. The applicant attaches to this application the following supporting evidence—

(insert details).
11. In the circumstances narrated the applicant is entitled to the order(s) sought and such order(s) should be granted accordingly.

(Signed)

[P.Q.] (Applicant)

or [X.Y.] (add designation and business address)

Solicitor for Applicant

(insert date)

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Form 79

Rule 3.53.4(a)

Form of order authorising a search in relation to a child under 12

Sheriff Court:

..... 20

Court Ref No:

Order sought from the court

The sheriff, having considered an application made by *(insert name of applicant)* for an order under section 36 of the Act of Criminal Responsibility (Scotland) Act 2019 (“the 2019 Act”) in respect of *(insert name of child)*, and productions lodged herewith, and being satisfied as necessary as to the matters mentioned in section 36(2) of the 2019 Act,

- 1 Makes an order in terms of section 36 of the 2019 Act authorising
 - *a search of *(insert details of the child as given in the application)*;
 - *entry to and search of the premises *(insert details of premises as given in the application)*;
 - *entry to and search of vehicle *(insert such description to identify the vehicle to be searched including any registration number or such other suitable identifier as given in the application)*;
 - *the seizure of anything the constable may find on the child or on premises or in the vehicle relevant to the investigation of the behaviour to which the application relates.

2. Directs notification of this order *(insert details of method and timing of notice)* to *(insert the name and designation of any person other than the child whom the sheriff considers appropriate)*.

This order comes into force on *(date)*. It ceases to be in force on *(date)*.

**Delete as appropriate*

(signed)

Sheriff

Form 80

Rule 3.53.4(b)

Form of Child Interview Order

Sheriff Court:

..... 20

Court Ref No:

The sheriff, having considered an application made by *(insert name of applicant)* for an order under section 44(2) of the Act of Criminal Responsibility (Scotland) Act 2019 (“the 2019 Act”) in respect of *(insert name of child)* and productions lodged therewith, and being satisfied as necessary as to the matters mentioned in section 44(2) of the 2019 Act,

1. Makes an order in terms of section 44(2) of the 2019 Act authorising:
 - *an investigative interview of *(insert details of the child as given in the application)* in relation to the behaviour to which the investigation relates;
 - *and (list any other action required in connection with the interview, about which the court’s additional authority is sought pursuant to sections 44(5) and 44(6) of the 2019 Act).
2. Directs notification of this order *(insert details of method and timing of notice)* to *(insert the name and designation of any person other than the child whom the sheriff considers appropriate)*.

This order comes into force on *(date)*. It ceases to be in force on *(date)*.

(where different provisions are to come into force, or to cease to be in force, on different dates, specify the dates in respect of each provision).

**Delete as appropriate*

(signed)

Sheriff

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Form 81

Rule 3.53.4(c)

Order authorising taking of prints and samples from a child

Sheriff Court:

..... 20

Court Ref No:

The sheriff, having considered an application made by *(insert name of applicant)* for an order under section 63 of the Act of Criminal Responsibility (Scotland) Act 2019 (“the 2019 Act”) in respect of *(insert name of child)*, and productions lodged herewith, and being satisfied as necessary as to the matters mentioned in section 63(2) of the 2019 Act,

1. Makes an order in terms of section 63 of the 2019 Act authorising
 - *the taking of the relevant physical data and/or physical samples specified in the application *(insert details physical data/samples to be taken, as given in the application)*;
 - *the taking of the relevant intimate samples, as specified in the application *(insert details of intimate samples to be taken and class of person (as set out in section 65(2) of the 2019 Act) authorised to take said samples, as given in the application)*.
 - *and *(add any additional matters to be dealt with in the order in terms of sections 63(4) and (6) of the 2019 Act)*.
2. Directs notification of this order *(insert details of method and timing of notice)* to *(insert the name and designation of any person other than the child whom the sheriff considers appropriate)*.

This order comes into force on *(date)*. It ceases to be in force on *(date)*.

(where different provisions are to come into force, or to cease to be in force, on different dates, specify the dates in respect of each provision).

**Delete as appropriate*

(signed)

Sheriff