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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2010 No.**

**CHILDREN AND YOUNG PERSONS  
PROTECTION OF VULNERABLE ADULTS**

The Protection of Vulnerable Groups (Scotland) Act  
2007 (Automatic Listing) (Specified Criteria) Order 2010

*Made - - - -*

*Coming into force in accordance with article 1*

THE PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT  
2007 (AUTOMATIC LISTING) (SPECIFIED CRITERIA) ORDER 2010

1. Citation and commencement
  2. Interpretation
  3. Specified criteria for children's list
  4. Specified criteria for adults' list
  5. Provision of information by court
- Signature

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SCHEDULE 1 — Scottish offences leading to automatic listing in the children's list

1. Murder where the offence was committed against a child.
2. Rape.
3. Sodomy.
4. An offence under section 5(1) (intercourse with a girl under...
5. An offence under section 311(2)(a) (non consensual sexual acts with...
6. An offence under section 1 (rape) of the Sexual Offences...
7. An offence under section 2 (sexual assault by penetration) of...
8. An offence under section 3(1) and (2)(a) (sexual assault by...
9. An offence under section 18 (rape of a young child...
10. An offence under section 19 (sexual assault on a young...
11. An offence under section 20(1) and (2)(a) (sexual assault on...
12. Any offence contrary to section 42 (criminal conduct) of the Armed...

SCHEDULE 2 — Scottish offences leading to automatic listing in the adults' list

1. Murder where the offence was committed against a child.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:  
*The Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010 No. 241*

2. Rape.
3. Sodomy.
4. An offence under section 5(1) of the Criminal Law (Consolidation)...
5. An offence under section 311(2)(a) of Health (Care and Treatment)...
6. An offence under section 1 of the Sexual Offences (Scotland)...
7. An offence under section 2 of that Act.
8. An offence under section 3(1) and (2)(a) of that Act....
9. An offence under section 18 of that Act.
10. An offence under section 19 of that Act.
11. An offence under section 20(1) and (2)(a) of that Act....
12. Any offence contrary to section 42 of the Armed Forces Act...

SCHEDULE 3 — Non-Scottish offences leading to automatic listing in the children’s list

1. Murder contrary to the common law of England and Wales...
2. Murder contrary to the common law of Northern Ireland where...
3. Murder contrary to the customary law of Jersey where the...
4. Murder contrary to the common law of Guernsey, Alderney or...
5. Murder contrary to section 18 of the Criminal Code 1872...
6. Rape contrary to the common law of Northern Ireland.
7. Rape contrary to the customary law of Jersey.
8. Rape contrary to the common law of Guernsey, Alderney or...
9. Rape contrary to section 1 of the Sexual Offences Act...
10. Sodomy contrary to the customary law of Jersey.
11. An offence under section 4 (defilement of girl under 13)...
12. An offence under article 2 of the “Loi relative à...
13. An offence under article 122(1)(a) (sexual intercourse with a woman...
14. An offence under article 3(b) of the “Loi relative à...
15. An offence under article 5 (rape) of the Sexual Offences...
16. An offence under article 6 (assault by penetration) of that...
17. An offence under article 12 (rape of a child under...
18. An offence under article 13 (assault of a child under...
19. An offence under articles 43(3)(a) and (b) (sexual assault of...
20. Intercourse with a person under the age of 13 contrary...
21. An offence under section 1 (rape) of the Sexual Offences...
22. An offence under section 2 (assault by penetration) of that...
23. An offence under section 5 (rape of a child under...
24. An offence under section 6 (assault of a child under...
25. An offence under section 30(1) and (3)(a) or (b) (sexual...
26. Any offence contrary to section 42 of the Armed Forces...

SCHEDULE 4 — Non-Scottish offences leading to automatic listing in the adults’ list

1. Murder contrary to the common law of England and Wales...
2. Murder contrary to the common law of Northern Ireland where...
3. Murder contrary to the customary law of Jersey where the...
4. Murder contrary to the common law of Guernsey, Alderney or...
5. Murder contrary to section 18 of the Criminal Code 1872...
6. Rape contrary to the common law of Northern Ireland.
7. Rape contrary to the customary law of Jersey.
8. Rape contrary to the common law of Guernsey, Alderney or...
9. Rape contrary to section 1 of the Sexual Offences Act...
10. Sodomy contrary to the customary law of Jersey.
11. An offence under section 4 of the Criminal Law Amendment...

12. An offence under article 2 of the “Loi relative à...
13. An offence under article 122(1)(a) of the Mental Health (Northern...
14. An offence under article 3(b) of the “Loi relative à...
15. An offence under article 5 of the Sexual Offences (Northern...
16. An offence under article 6 of that Order.
17. An offence under article 12 of that Order.
18. An offence under article 13 of that Order.
19. An offence under articles 43(3)(a) and (b) of that Order....
20. Intercourse with a person under the age of 13 contrary...
21. An offence under section 1 of the Sexual Offences Act...
22. An offence under section 2 of the Sexual Offences Act...
23. An offence under section 5 of the Sexual Offences Act...
24. An offence under section 6 of the Sexual Offences Act...
25. An offence under section 30(1) and (3)(a) or (b) of...
26. Any offence contrary to section 42 (criminal conduct) of the...

Explanatory Note