
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 276

**HIGH COURT OF JUSTICIARY
SHERIFF COURT
DISTRICT COURTS**

**Act of Adjournal (Criminal Procedure Rules
Amendment No. 3) (Miscellaneous) 2007**

Made - - - - - *11th April 2007*

Coming into force - - - - - *2nd May 2007*

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

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 3) (Miscellaneous) 2007 and shall come into force on 2nd May 2007.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

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

2.—(1) The Act of Adjournal (Criminal Procedure Rules) 1996(2) shall be amended in accordance with the following sub-paragraphs.

(2) After rule 7.8 (compulsion orders and hospital directions)(3) there shall be inserted the following:—

“Appeals

7.9.—(1) An appeal under—

(a) section 62 of the Act of 1995 (appeal by accused in case involving insanity); or

(b) section 63 of the Act of 1995 (appeal by prosecutor in case involving insanity),

shall be made by lodging a note of appeal in Form 7.9.

(1) 1995 c. 46.

(2) S.I. 1996/513, last amended by S.S.I.2007/237 and 238.

(3) Rule 7.8 was inserted by S.S.I. 2005/457.

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Statutory Instruments are not carried in their revised form on this site.*

(2) At the same time as lodging a note of appeal under paragraph (1), the applicant shall send a copy to the other parties.

(3) As soon as possible after the lodging of a note of appeal under paragraph (1), the Clerk of Justiciary shall request a report from the judge who made the finding, order or acquittal which is the subject of the appeal.”.

(3) In the appendix–

- (a) after Form 7.6 (form of order for diet and warrant)(4) there shall be inserted the form set out in Part 1 of the Schedule to this Act of Adjournal;
- (b) for Form 20.3A-B (form of notice of requirement to notify police)(5) there shall be substituted the form set out in Part 2 of the Schedule to this Act of Adjournal.

Edinburgh
11th April 2007

A C HAMILTON
Lord Justice General I.P.D.

(4) Form 7.6 was inserted by S.S.I. [2005/457](#).

(5) Form 20.3A-B was substituted by S.S.I. [2004/206](#) and amended by S.S.I. [2006/436](#).

SCHEDULE

Paragraph 2(3)

PART 1

**Form 7.9 Form of note of appeal under section 62 or 63 of the Criminal Procedure (Scotland)
Act 1995**

Rule 7.9

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, THE LORD JUSTICE
CLERK AND THE LORDS COMMISSIONERS OF JUSTICIARY

NOTE OF APPEAL

by

HER MAJESTY'S ADVOCATE

[or [A.B.] (*address*)

[or Prisoner in the Prison of (*place*)]]

HUMBLY SHEWETH:

1. That on (*date*) the High Court of Justiciary [or Sheriff] at (*place*) made the following finding
[or order][or acquittal]:-

(*specify*)

2. That Her Majesty's Advocate [or [A.B.]] appeals to the High Court of Justiciary against that
decision on the following grounds:-

(*specify*)

ACCORDING TO JUSTICE, ETC.

(*Signed*)

Prosecutor

[or Legal representative of [A.B.]]

(*Name, address, e-mail address and telephone number*)

(*Place and date*)

PART 2

**Form 20.3A-B Form of notice of requirement to notify police under Part 2 of the Sexual Offences
Act 2003**

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Rule 20.3A(2)

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 the police** within the next 3 days (or, if you are in custody, within 3 days after your release) 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.
- **Notify the police** of any change to your name or home address, or that you have been released from custody, within 3 days after the date of the change, or your release.
- **Notify the police** 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.
- **Notify the police** of your details every 12 months even if there is no change to those details.
- **Notify the police** 7 days in advance of the date of leaving the United Kingdom of any plans to travel abroad for a period of 3 days or longer.
- **Notify the police** 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.
- **Notify the police** whether you hold any bank accounts or accounts with credit card providers, in you own name, or jointly with another person, or in the name of an unincorporated business operated by you, or by you jointly with another person and whether you hold any debit cards or credit cards in connection with these accounts. You must provide detailed information in respect of each account including the names of any business in which the account or card is held, the names and addresses of each bank or credit card provider where each account is maintained, the account numbers and sort codes for each account, the number, validation and expiry dates of each card. Where such an account is opened or card is obtained which has not been notified, or any account or card which has been notified is closed or expired or no longer held, or information in relation to an account or card becomes inaccurate or incomplete you must notify the

police within 3 days of the date the account was opened, closed, or the information changed.

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 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.

EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules (S.I.1996/513) (“the 1996 Rules”). It inserts a new rule and form in relation to appeals in cases involving insanity.

It also amends the form of notice of requirement to notify the police under Part 2 of the Sexual Offences Act 2003 (“the 2003 Act”) to include new requirements to notify details of any passports, bank accounts or credit cards held. These changes are consequent upon amendment of the 2003 Act by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and commencement of the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2007.