

**2014 No. 162**

**HIGH COURT OF JUSTICIARY**

**SHERIFF COURT**

**Act of Adjournal (Criminal Procedure Rules Amendment)  
(Regulatory Reform (Scotland) Act 2014) 2014**

<i>Made</i>	- - - -	<i>5th June 2014</i>
<i>Laid before the Scottish Parliament</i>		<i>6th June 2014</i>
<i>Coming into force</i>	- -	<i>30th June 2014</i>

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

**Citation, commencement etc.**

**1.**—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment) (Regulatory Reform (Scotland) Act 2014) 2014.

(2) It comes into force on 30th June 2014.

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

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

**2.**—(1) The Criminal Procedure Rules 1996(b) are amended in accordance with the following subparagraphs.

(2) After Chapter 59 (Double Jeopardy (Scotland) Act 2011)(c) insert:—

**“CHAPTER 60**

**REGULATORY REFORM (SCOTLAND) ACT 2014**

**Interpretation**

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(a) 1995 c.46.

(b) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2013/198).

(c) Chapter 59 was inserted by S.S.I. 2011/387.

**60.1.** In this Chapter—

“the Act of 2014” means the Regulatory Reform (Scotland) Act 2014<sup>(a)</sup>.

“publicity order” means an order made under section 36(2) of the Act of 2014.

“remediation order” means an order made under section 41(2) of the Act of 2014.

“SEPA” means the Scottish Environment Protection Agency.

### **Publicity orders**

**60.2.** A publicity order shall be in Form 60.2.

### **Remediation orders**

**60.3.** A remediation order shall be in Form 60.3.

### **Variation of remediation order**

**60.4.**—(1) An application under section 41(5) of the Act of 2014 for the variation of a remediation order shall be made by petition in Form 60.4.

(2) On a petition referred to in paragraph (1) being lodged, the court shall—

- (a) order intimation of the application to be made to the prosecutor and SEPA;
- (b) appoint a hearing on the application; and
- (c) order intimation of the hearing to the persons referred to in subparagraph (a), the petitioner or the petitioner’s agent, and to the governor of any institution in which the petitioner is detained.”

(3) In the appendix, at the end insert the Forms set out in the Schedule to this Act of Adjournal.

*BRIAN GILL*  
Lord Justice General  
I.P.D.

Edinburgh  
5th June 2014

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(a) 2014 asp 3.

## SCHEDULE

Paragraph 2(3)

### Form 60.2

Rule 60.2

#### **Form of publicity order**

#### **PUBLICITY ORDER**

COURT:

DATE:

OFFENDER:

Address:

[Date of birth:]

THE COURT, sentencing or otherwise dealing with the offender in respect of a relevant offence in terms of section 36(2) of the Regulatory Reform (Scotland) Act 2014, namely the offence(s) of *(specify)*;

AND being satisfied that it is appropriate to make a publicity order;

ORDERS that by *(date)* the offender publicise in the following manner *(specify the manner of publication)* the following information *(specify in numbered paragraphs the information to be publicised)*.

[REQUIRES that the offender supply to SEPA by *(date)* evidence that the above requirements have been complied with.]

Signed

Clerk of Court

Copy: Offender, SEPA

## Form 60.3

Rule 60.3

### **Form of remediation order**

#### REMEDIATION ORDER

COURT:

DATE:

OFFENDER:

Address:

[Date of birth:]

THE COURT, sentencing or otherwise dealing with the offender in respect of an offence under section 40(1) of the Regulatory Reform (Scotland) Act 2014;

AND having explained to the offender the effect of this order (including the steps set out below);

ORDERS that by the end of the compliance period (*specify length of period*) the offender shall—  
(*specify in numbered paragraphs the steps to be taken by the offender to remedy or mitigate the harm*).

Signed

Clerk of Court

Copy: Offender, SEPA

Form 60.4

Rule 60.4

**Form of petition for variation of remediation order**

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

[*or* UNTO THE HONOURABLE THE SHERIFF OF (name of sheriffdom)]

AT (*place*)

PETITION

of

[A.B.] (*address*)

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

PETITIONER

HUMBLY SHEWETH

1. That there is annexed to this petition a copy of the remediation order which was made by the sheriff at (*place*) [*or* by the High Court sitting at (*place*)] on (*date*).
- [2. That the remediation order has been varied as follows:— (*specify details of any previous variation*).]
3. That the petitioner seeks to vary the remediation order for the following reasons:— (*state reasons*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (a) to appoint intimation of this petition to be made to (*specify persons*);
- (b) to appoint parties to be heard thereon on the earliest practicable date thereafter;
- (c) to appoint intimation of the hearing to be made to (*specify persons*);
- (d) thereafter, on being duly satisfied, to make an order varying the order [by] (*specify the terms of the variation sought*); and
- (e) to do further and otherwise as to your Lordship[s] [*or* to the court] shall seem proper.

ACCORDING TO JUSTICE, etc.

(*Signed*)

Petitioner

[*or* Agent for Petitioner]

(*address, e-mail address and telephone number of agent*)

## **EXPLANATORY NOTE**

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

This Act of Adjournal amends the Criminal Procedure Rules 1996 by providing a form for publicity orders made under section 36 of the Regulatory Reform (Scotland) Act 2014.

The Act of Adjournal also provides a form for remediation orders made under section 41 of that Act, and a procedure for applications for variation of those orders.

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