

SCHEDULE

Paragraph 5(2), (4) and (6)

Form 20.3A-B

Rule 20.3A(2)

Form of notice of requirement to notify police under Part 2 of the Sexual Offences Act 2003

NOTICE OF REQUIREMENT TO NOTIFY POLICE

This notice is not a complete statement of the law. It contains a summary of the principal notification requirements with which you must comply. For further explanation or advice you should consult a solicitor.

Case No.

You have been convicted of [*or found not legally responsible for*] [*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 certain information to the police. Unless otherwise stated, that required information must be provided with the next 3 days (or, if you are in custody, within 3 days of your release)

You must notify the police

- (1) 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.
- (2) Of any change to your name or home address, or that you have been released from custody, within 3 days of the date of the change, or your release.
- (3) 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.
- (4) 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 of circumstances.

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- (5) Of full details of any plans to travel outside the United Kingdom. This notification must be given not less than 7 days in advance of the date of leaving the United Kingdom.
- (6) Whether you hold (either in your name or jointly with another person) any bank account(s).
- (7) Whether you hold any bank account(s) in the name of an unincorporated business which you operate, either solely or with another person.
- (8) Whether you hold a debit card in connection with any account described in paragraph (6) or (7).
- (9) Whether you hold (either in your own name or jointly with any other person) any account(s) with a credit card provider.
- (10) Whether any unincorporated business which you operate (either on your own or with any other person) holds any account(s) with a credit card provider.
- (11) Whether you hold a credit card(s) in connection with any account(s) as described in paragraphs (9) or (10).
- (12) If you hold any bank account(s) as described in paragraph (6), of
 - (a) the name of the bank;
 - (b) the address of the office where the account is maintained;
 - (c) the account number and sort code.
- (13) If you hold any bank account(s) as described in paragraph (7), of
 - (a) the name of the bank;
 - (b) the address of the office where the account is maintained;
 - (c) the account number and sort code;
 - (d) the name of the business in whose name the account is held.
- (14) If you hold any debit card(s) as described in paragraph (8), of
 - (a) the card number;
 - (b) the validation date;
 - (c) the expiry date;
 - (d) the name of any business in whose name the card is held.

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- (15) If you hold any account(s) as described in paragraphs (9) or (10), of
- (a) the name of the credit card provider;
 - (b) the address of the office at which the account is maintained; and
 - (c) the name of any business in whose name the account is held.
- (16) If you hold any credit card(s) as described in paragraph (11), of
- (a) the card number;
 - (b) the validation date;
 - (c) the expiry date;
 - (d) the name of any business in whose name the card is held.
- (17) Of the details mentioned in the previous paragraphs every 12 months when you have a sole or main residence in the United Kingdom, or every 7 days where you have no such address, *even if there is no change to those details.*

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 any police station which is prescribed for the purposes of the notification requirements and giving it in person. If you do not know where those prescribed police stations are located, 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 community payback 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.

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Form 22.1ZA

Form of vulnerable witness notice under section 271A(2) of the Criminal Procedure (Scotland) Act 1995: standard special measures

Rule 22.1ZA

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

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

VULNERABLE WITNESS NOTICE

by

HER MAJESTY’S ADVOCATE [or THE PROCURATOR FISCAL, *(place)*]

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

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

Prosecution reference.....

Court reference.....

HUMBLY SHEWETH:

1. That [A.B.], *(date of birth)* [along with *(name(s) of co-accused)*] has been indicted on *(date of indictment)* at the instance of Her Majesty’s Advocate with a preliminary hearing [or a trial diet] in the High Court of Justiciary sitting at *(place)* on *(date)* [or with a first diet on *(date)* and a trial diet on *(date)* in the sheriff court of *(place)*] [or has been charged in the above court on a summary complaint at the instance of the procurator fiscal with a trial diet on *(date)* in the sheriff court of *(place)*].
[or, where the vulnerable witness is notice is lodged for the purposes of proceedings under section 210C(7) of the Criminal Procedure (Scotland) Act 1995 (no objection to risk assessment report etc.)]
1. That on *(date)* the High Court of Justiciary sitting at *(place)* made a risk assessment order [or an interim compulsion order] in respect of [A.B.].
2. That the applicant has cited [or intends to cite] [C.D.], *(date of birth)* as a witness who is to give evidence at, or for the purposes of, the trial [or proceedings under section 210C(7) of the Criminal Procedure (Scotland) Act 1995].
[where the witness is a child witness]
3. That [C.D.] [or [A.B.]] is a vulnerable witness under section 271(1)(a) of the Criminal Procedure (Scotland) Act 1995 (child witness).
[or where the witness is a deemed vulnerable witness]

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3. That [C.D.] is a vulnerable witness under section 271(1)(c) of the Criminal Procedure (Scotland) Act 1995 (deemed vulnerable witness) because [A.B.] is charged with an offence:
[listed in paragraphs 36 to 592L of the Sexual Offences Act 2003;]
[or under section 22 of the Criminal Justice (Scotland) Act 2003;]
[or under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;]

[or the commission of which involves domestic abuse;]
[or of stalking;]
and the offence is alleged to have been committed against [C.D.].
4. The following special measure[s] is [or are] considered the most appropriate for the purpose of taking the evidence of [C.D.] [or the applicant]:—

(here specify any special measure(s) sought)
5. That the special measure[s] listed in paragraph 4 is [or are] a standard special measure in terms of section 271A(14) of the Act of 1995.
6. That the applicant has intimated a copy of the Notice on [A.B.] [or the legal representative of [A.B.]] [or the Crown Agent] [or the procurator fiscal].

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]—

- (a) to authorise the special measure[s] sought; or
- (b) to do otherwise as to your Lordship[s] shall seem proper; and
- (c) to require the clerk of court to intimate the order to *(specify)*.

ACCORDING TO JUSTICE, etc.

(Signed)

[A.B.]

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

[or Prosecutor]

(Address, email address and telephone number of agent).

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Form 22.2A

Form of objection notice under section 271A(4A) or 271C(4A) of the Criminal Procedure (Scotland) Act 1995

Rule 22.2A

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

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

OBJECTION NOTICE

by

HER MAJESTY’S ADVOCATE [or THE PROCURATOR FISCAL, *(place)*]

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

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

in

HER MAJESTY’S ADVOCATE [or THE PROCURATOR FISCAL, *(place)*]

against

[A.B.] *(address)*

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

Prosecution reference.....

Court reference.....

HUMBLY SHEWETH:

1. That [A.B.] [, along with *(names of co-accused)*] has been indicted at the instance of Her Majesty’s Advocate [or has been charged on a summary complaint at the instance of the procurator fiscal].

[or
1. That [A.B.] was convicted of *(specify)* on *(date)*.]
2. That [C.D.] is a witness who is to [or [A.B.] may] give evidence at, or for the purposes of, the trial [or proceedings under section 210C(7) of the Criminal Procedure (Scotland) Act 1995], and is a vulnerable witness under section 271(1) of the Criminal Procedure (Scotland) Act 1995.
3. That a vulnerable witness notice under section 271A(2) of the Act of 1995 has been lodged with the court.

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[or

3. That a vulnerable witness application under section 271C(2) of the Act of 1995 has been lodged with the court.]
4. That objection is taken to the following special measure(s) which are specified in the vulnerable witness notice [or vulnerable witness application]:

(here specify the measure(s) to which objection is taken)
5. That the reasons for objection are:

(here specify the reasons for objection)
6. That the applicant has intimated a copy of this Notice on [A.B.] [or the legal representative of [A.B.]] [or the Crown Agent] [or the procurator fiscal].

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]—

- (a) to make an order appointing the Notice to be disposed of at a hearing in accordance with section 271A(5A) [or 271C(5A)] of the 1995 Act;
- (b) to appoint intimation of the hearing to be made to *(specify persons)*;
- (c) thereafter, after hearing all the parties, to make an order *(specify)*;
- (d) or to do otherwise as to your Lordship[s] shall seem proper.

ACCORDING TO JUSTICE, etc.

(Signed)

[A.B.]

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

[or Prosecutor]

(Address, email address and telephone number of agent).