

SCHEDULE

Paragraph 2(4)(b)

Form 63.2–A

Rule 63.2(1)

**Form of application for serious crime prevention order**

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

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

AT *(place)*]

APPLICATION

by

HER MAJESTY'S ADVOCATE

APPLICANT

for

SERIOUS CRIME PREVENTION ORDER

under section 22A of the Serious Crime Act 2007

HUMBLY SHEWETH:

1. That *(name of proposed subject)* ("the convicted person") was convicted by the High Court of Justiciary [or the sheriff at *(place)*] on *(date)* of *(specify offence)*.
2. That the offence is a serious offence in Scotland within the meaning of section 2A(2) of the Serious Crime Act 2007 because *(specify reasons)*.
3. That the proposed serious crime prevention order would protect the public by preventing, restricting or disrupting involvement by the convicted person in serious crime in Scotland because *(specify reasons)*.
4. That the convicted person is not already the subject of a serious crime prevention order in Scotland. [or
4. That the convicted person is subject to an existing order made by *(court)* on *(date)*, a copy of which is attached to this application.]
5. That the terms of the proposed serious crime prevention order are set out in the attached schedule.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) to appoint intimation of this application to be made to the convicted person;
- (2) to appoint a hearing on the application at the earliest practicable date;

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- (3) thereafter to make a serious crime prevention order in the terms set out in the schedule;
- (4) [(where the convicted person is the subject of an existing order) to discharge the existing order made by (court) on (date);]
- (5) (where the convicted person is present or represented at the hearing) to appoint the clerk of court to give a copy of the order to the convicted person; [or
- (5) (where the convicted person is not present or represented at the hearing) to appoint the Lord Advocate to serve notice of the making of the order on the convicted person in accordance with section 10(2) of the Serious Crime Act 2007;]
- (6) to appoint the clerk of court to give a copy of the order to the persons specified in the schedule;
- (7) or to do otherwise as to your Lordship(s) seems appropriate.

ACCORDING TO JUSTICE, etc.

(Signed)

On behalf of Her Majesty's Advocate

(Address and telephone number)

(Email address)

#### SCHEDULE

(set out terms of order sought)

(specify persons to whom a copy of the order should be sent)

## Form 63.2–B

Rule 63.2(3)

### **Form of serious crime prevention order**

#### **SERIOUS CRIME PREVENTION ORDER**

under section 22A of the Serious Crime Act 2007

Court:

Date:

Convicted person:

Address:

Date of birth:

THE COURT:

- (1) has considered the application made by the Lord Advocate for a serious crime prevention order in respect of the convicted person;
- (2) is satisfied that the convicted person has been convicted of a serious offence in Scotland within the meaning of section 2A(2) of the Serious Crime Act 2007;
- (3) has reasonable grounds to believe that making a serious crime prevention order would protect the public by preventing, restricting or disrupting involvement by the convicted person in serious crime in Scotland;
- (4) has sentenced the convicted person in respect of the offence concerned; [*or*
- (4) has made an order discharging the person absolutely;]

ACCORDINGLY, THE COURT ORDERS that:

- [(1) the serious crime prevention order made by (*court*) on (*date*) is discharged;]
- (2) (*set out terms of the order*)

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

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

(Signed)

Clerk of Court

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Convicted person

[Scottish Prison Service]

[Police Scotland]

[National Crime Agency]

[Crown Office]

## Form 63.3–A

Rule 63.3(1)

### Form of application to vary a serious crime prevention order

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

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

AT (*place*)]

APPLICATION

by

HER MAJESTY'S ADVOCATE

APPLICANT

for

VARIATION OF A SERIOUS CRIME PREVENTION ORDER

under section 22B of the Serious Crime Act 2007

HUMBLY SHEWETH:

1. That (*name of proposed subject*) ("the convicted person") was convicted by the High Court of Justiciary [or the sheriff at (*place*)] on (*date*) of (*specify offence*).
2. That the offence is a serious offence in Scotland within the meaning of section 2A(2) of the Serious Crime Act 2007 because (*specify reasons*).
3. That the convicted person is subject to an existing serious crime prevention order made by (*court*) on (*date*), a copy of which is attached to this application.
4. That the proposed variation of the existing order would protect the public by preventing, restricting or disrupting involvement by the convicted person in serious crime in Scotland because (*specify reasons*).
5. That the terms of the proposed variation of the existing order are set out in the attached schedule.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) to appoint intimation of this application to be made to the convicted person;
- (2) to appoint a hearing on the application at the earliest practicable date;
- (3) thereafter to vary the existing serious crime prevention order in the terms set out in the schedule;

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- (4) (where the convicted person is present or represented at the hearing) to appoint the clerk of court to give a copy of the variation to the convicted person; [or
- (4) (where the convicted person is not present or represented at the hearing) to appoint the Lord Advocate to serve notice of the variation on the convicted person in accordance with section 10(2) of the Serious Crime Act 2007;]
- (5) to appoint the clerk of court to give a copy of the variation to the persons specified in the schedule;
- (6) or to do otherwise as to your Lordship(s) seems appropriate.

ACCORDING TO JUSTICE, etc.

*(Signed)*

On behalf of Her Majesty's Advocate

*(Address and telephone number)*

*(Email address)*

#### SCHEDULE

*(set out terms of variation sought)*

*(specify persons to whom a copy of the variation should be sent)*

## Form 63.3–B

Rule 63.3(2)

### **Form of application to vary or replace a serious crime prevention order**

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

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

AT (*place*)]

APPLICATION

by

HER MAJESTY'S ADVOCATE

APPLICANT

for

VARIATION [or REPLACEMENT] OF A SERIOUS CRIME PREVENTION ORDER

under section 22C of the Serious Crime Act 2007

HUMBLY SHEWETH:

1. That (*name of proposed subject*) ("the convicted person") was convicted by the High Court of Justiciary [or the sheriff at (*place*)] on (*date*) of an offence under section 25 of the Serious Crime Act 2007 in relation to a serious crime prevention order.
2. That the serious crime prevention order, a copy of which is attached to this application, was made by (*court*) on (*date*).
3. That the proposed variation of the existing order [or replacement of the existing order with a new order] would protect the public by preventing, restricting or disrupting involvement by the convicted person in serious crime in Scotland because (*specify reasons*).
4. That the terms of the proposed variation of the existing order [or proposed new order] are set out in the attached schedule.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) to appoint intimation of this application to be made to the convicted person;
- (2) to appoint a hearing on the application at the earliest practicable date;
- (3) thereafter to vary the existing serious crime prevention order in the terms set out in the schedule; [or

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- (3) thereafter to discharge the existing serious crime prevention order and make a new serious crime prevention order in the terms set out in the schedule;]
- (4) *(where the convicted person is present or represented at the hearing)* to appoint the clerk of court to give a copy of the variation [*or the new order*] to the convicted person; [*or*
- (4) *(where the convicted person is not present or represented at the hearing)* to appoint the Lord Advocate to serve notice of the variation [*or the new order*] on the convicted person in accordance with section 10(2) of the Serious Crime Act 2007;]
- (5) to appoint the clerk of court to give a copy of the variation [*or the new order*] to the persons specified in the schedule;
- (5) or to do otherwise as to your Lordship(s) seems appropriate.

ACCORDING TO JUSTICE, etc.

*(Signed)*

On behalf of Her Majesty's Advocate

*(Address and telephone number)*

*(Email address)*

#### SCHEDULE

*(set out terms of variation or new order sought)*

*(specify persons to whom a copy of the variation or new order should be sent)*



## Form 63.3–C

Rule 63.3(4)

### Form of variation of serious crime prevention order

#### VARIATION OF SERIOUS CRIME PREVENTION ORDER

under section 22B [or 22C] of the Serious Crime Act 2007

Court:

Date:

Convicted person:

Address:

Date of birth:

THE COURT:

- (1) has considered the application made by the Lord Advocate to vary the serious crime prevention order dated (*date*) in respect of the convicted person;
- (2) (*section 22B variations*) is satisfied that the convicted person has been convicted of a serious offence in Scotland within the meaning of section 2A(2) of the Serious Crime Act 2007; [or
- (2) (*section 22C variations*) is satisfied that the convicted person has been convicted of an offence under section 25 of the Serious Crime Act 2007 in relation to a serious crime prevention order;]
- (3) has reasonable grounds to believe that varying the serious crime prevention order would protect the public by preventing, restricting or disrupting involvement by the convicted person in serious crime in Scotland;
- (4) has sentenced the convicted person in respect of the offence concerned; [or
- (4) has made an order discharging the person absolutely;]

ACCORDINGLY, THE COURT ORDERS that the serious crime prevention order made by (*court*) on (*date*) is varied as follows:

(*set out terms of the variation*)

(Signed)

Clerk of Court

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Convicted person

[Scottish Prison Service]

[Police Scotland]

[National Crime Agency]

[Crown Office]

## Form 63.3–D

Rule 63.3(5)

### Form of replacement serious crime prevention order

#### REPLACEMENT SERIOUS CRIME PREVENTION ORDER

under section 22C of the Serious Crime Act 2007

Court:

Date:

Convicted person:

Address:

Date of birth:

THE COURT:

- (1) has considered the application made by the Lord Advocate to replace the serious crime prevention order dated (*date*) in respect of the convicted person;
- (2) is satisfied that the convicted person has been convicted of an offence under section 25 of the Serious Crime Act 2007 in relation to a serious crime prevention order;
- (3) has reasonable grounds to believe that making a new serious crime prevention order would protect the public by preventing, restricting or disrupting involvement by the convicted person in serious crime in Scotland;
- (4) has sentenced the convicted person in respect of the offence concerned; [*or*
- (4) has made an order discharging the person absolutely;]

ACCORDINGLY, THE COURT ORDERS that:

- (1) the serious crime prevention order made by (*court*) on (*date*) is discharged;
- (2) (*set out terms of the order*)

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

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

(Signed)

Clerk of Court

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Offender

[Scottish Prison Service]

[Police Scotland]

[National Crime Agency]

[Crown Office]

## Form 63.4–A

Rule 63.4(1)

### Form of application to extend a serious crime prevention order

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

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

AT *(place)*]

APPLICATION

by

HER MAJESTY'S ADVOCATE

APPLICANT

for

EXTENSION OF A SERIOUS CRIME PREVENTION ORDER

under section 22E of the Serious Crime Act 2007

HUMBLY SHEWETH:

1. That *(name of subject)* ("the subject") is subject to an existing serious crime prevention order made by *(court)* on *(date)*, a copy of which is attached to this application.
- [2. *(where the order has been varied)* That the existing order was varied by *(court)* on *(date)*, and a copy of the variation is attached to this application.]
3. That the subject was charged on *(date)* with *(specify offence)*.
4. That the offence is a serious offence in Scotland within the meaning of section 2A(2) of the Serious Crime Act 2007 because *(specify reasons)*. [or
4. That the offence is an offence under section 25 of the Serious Crime Act 2007 of failing to comply with a serious crime prevention order.]
5. That the existing order will cease to have effect on *(date)*.
6. That the applicant requests that the existing order be varied so that it continues in effect until one of the events specified in section 22E(4) of the Serious Crime Act 2007 occurs.
7. That the proposed variation of the existing order would protect the public by preventing, restricting or disrupting involvement by the subject in serious crime in Scotland because *(specify reasons)*.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) to appoint intimation of this application to be made to the subject;
- (2) to appoint a hearing on the application at the earliest practicable date;

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- (3) thereafter to vary the existing serious crime prevention order as sought in paragraph 6;
- (4) *(where the convicted person is present or represented at the hearing)* to appoint the clerk of court to give a copy of the variation to the subject; [*or*
- (4) *(where the convicted person is not present or represented at the hearing)* to appoint the Lord Advocate to serve notice of the variation on the subject in accordance with section 10(2) of the Serious Crime Act 2007;]
- (5) to appoint the clerk of court to give a copy of the variation to the persons specified in the schedule;
- (6) or to do otherwise as to your Lordship(s) seems appropriate.

ACCORDING TO JUSTICE, etc.

*(Signed)*

On behalf of Her Majesty's Advocate

*(Address and telephone number)*

*(Email address)*

#### SCHEDULE

*(specify persons to whom a copy of the variation should be sent)*

## Form 63.4–B

Rule 63.4(3)

### Form of extension of serious crime prevention order

#### VARIATION OF SERIOUS CRIME PREVENTION ORDER

under section 22E of the Serious Crime Act 2007

Court:

Date:

Convicted person:

Address:

Date of birth:

THE COURT:

- (1) has considered the application made by the Lord Advocate to vary the serious crime prevention order dated (*date*) in respect of the convicted person so that it continues in effect until one of the events listed in section 22E(4) of the Serious Crime Act 2007 occurs;
- (2) is satisfied that the convicted person has been charged with a serious offence in Scotland within the meaning of section 2A(2) of the Serious Crime Act 2007; [*or*
- (2) is satisfied that the convicted person has been charged with an offence under section 25 of the Serious Crime Act 2007 of failing to comply with a serious crime prevention order;]
- (3) is satisfied that the order would cease to have effect before one of the events listed section 22E(4) of the Serious Crime Act 2007 occurs unless the application is granted;
- (4) has reasonable grounds to believe that varying the serious crime prevention order would protect the public by preventing, restricting or disrupting involvement by the convicted person in serious crime in Scotland;

ACCORDINGLY, THE COURT ORDERS that the serious crime prevention order made by (*court*) on (*date*) is varied as follows:

*(set out terms of the variation that continues the order in effect until one of the events listed in section 22E(4) of the Serious Crime Act 2007 occurs)*

*(Signed)*

Clerk of Court

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Offender

[Scottish Prison Service]

[Police Scotland]

[National Crime Agency]

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