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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 145**

**Act of Adjournal (Criminal Procedure Rules 1996 Amendment)  
(No. 2) (Human Trafficking and Exploitation) 2017**

**Citation and commencement, etc.**

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No. 2) (Human Trafficking and Exploitation) 2017.

(2) It comes into force on 30th June 2017.

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

**Amendment of the Criminal Procedure Rules 1996**

2.—(1) The Criminal Procedure Rules 1996(1) are amended in accordance with this paragraph.

(2) After Chapter 63 (Serious Crime Prevention Orders)(2) insert—

**“CHAPTER 64**

**TRAFFICKING AND EXPLOITATION PREVENTION ORDERS**

**Interpretation**

**64.1.** In this Chapter—

“the 2015 Act” means the Human Trafficking and Exploitation (Scotland) Act 2015(3);

“prosecutor” has the meaning given in section 22 of the 2015 Act;

“trafficking and exploitation prevention order” means an order made under section 17 of the 2015 Act.

**Trafficking and exploitation prevention order**

**64.2.** A trafficking and exploitation prevention order is to be in Form 64.2.

**Variation, renewal or discharge of trafficking and exploitation prevention order**

**64.3.—**(1) An application under section 22 of the 2015 Act for the variation, renewal or discharge of a trafficking and exploitation prevention order is to be made in Form 64.3.

(2) When an application under paragraph (1) is lodged, the court must—

(a) order intimation of the application—

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(1) The Criminal Procedure Rules 1996 are in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2017/144.

(2) Chapter 63 was inserted by S.S.I. 2016/137.

(3) 2015 asp 12.

- (i) in the case of an application by the person subject to the order, to the prosecutor and chief constable; or
- (ii) in the case of an application by the prosecutor, to the person subject to the order and to the chief constable;
- (b) appoint a hearing on the application; and
- (c) order intimation of the hearing to the persons referred to in sub-paragraph (a).

**Representations by a third party claiming an interest in a vehicle, ship or aircraft**

- 64.4.**—(1) An application to make representations to the court under section 14(5) of the 2015 Act by a person who claims an interest in a vehicle, ship or aircraft shall be in Form 64.4.
- (2) The court may fix a diet for considering representations mentioned in paragraph (1).
- (3) Where the court fixes a diet under paragraph (2) the clerk of court shall intimate—
- (a) the representations and the diet to—
    - (i) the person convicted on indictment of the offence of human trafficking;
    - (ii) any other person from whose possession the vehicle, ship or aircraft was taken; and
  - (b) the diet to the person claiming an interest.”.
- (3) In the Appendix after Form 63.4-B(4) (form of extension of serious crime prevention order) insert the Forms set out in the schedule of this Act of Adjournal.

Edinburgh  
9th May 2017

*CJM SUTHERLAND*  
Lord Justice General  
I.P.D.