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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 65**

**HIGH COURT OF JUSTICIARY  
SHERIFF COURT**

**Act of Adjournal (Criminal Procedure  
Rules Amendment) (Miscellaneous) 2000**

*Made* - - - - - *7th March 2000*

*Coming into force* - - - - - *7th April 2000*

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary under and by virtue of the powers conferred upon them by section 305 of the Criminal Procedure (Scotland) Act 1995<sup>(1)</sup>, paragraph 37 of Schedule 6 to the Scotland Act 1998<sup>(2)</sup>, paragraph 38 of Schedule 10 to the Northern Ireland Act 1998<sup>(3)</sup> and paragraph 36 of Schedule 8 to the Government of Wales Act 1998<sup>(4)</sup> 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)(Miscellaneous) 2000 and shall come into force on 7th April 2000.

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

**Amendment of supervised release order Form**

2.—(1) Form 20.3 (Form of supervised release order under section 209 of the Criminal Procedure (Scotland) Act 1995) prescribed in the Act of Adjournal (Criminal Procedure Rules) 1996<sup>(5)</sup> is amended as follows.

(2) In the heading, after “Date of Birth:” there is inserted—

“Offence(s) of which convicted:

Date of offence(s):”.

(3) In the first paragraph, “not less than twelve months but” is repealed.

(4) For “Secretary of State” in both places there is substituted “Scottish Ministers”.

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(1) 1995 c. 46.  
(2) 1998 c. 46.  
(3) 1998 c. 47.  
(4) 1998 c. 38.  
(5) S.I.1996/513.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **Devolution issues**

3.—(1) In each of rules 40.2, 40.3 and 40.4 (raising devolution issues) there is inserted (as paragraph (3a), paragraph (5) and paragraph (5) respectively)—

“Where a relevant authority does not become a party to the proceedings at first instance the court may allow him to become a party to any subsequent appeal or reference to a higher court.”.

Edinburgh  
7th March 2000

*Rodger of Earlsferry*  
Lord Justice General I.P.D.

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## EXPLANATORY NOTE

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

### *Paragraph 2(2)*

As a result of amendments made by section 86 of the Crime and Disorder Act 1998 to the Criminal Procedure (Scotland) Act 1995, a supervised release order may not be made in relation to a sexual offender where the offence is committed on or after 30 September 1998. Where, however, a person is convicted of a sexual offence committed before that date he may still be subject to an order.

It is therefore necessary that the nature of the crime and the date on which it was committed are known and paragraph 2(2) of this Act of Adjournal makes the necessary amendment to Form 20.3 which is prescribed in relation to such orders by the Act of Adjournal (Criminal Procedure Rules) 1996.

### *Paragraph 2(3)*

Section 86 also repealed the words “not less than twelve months but” in section 209(1) of the 1995 Act. Paragraph 2(3) makes the necessary consequential amendment to the wording of Form 20.3.

### *Paragraph 3*

Paragraph 3 amends rules 40.2, 40.3 and 40.4 to make it clear that even if a relevant authority has not become a party to proceedings in response to service on him of a devolution issues notice he may still be allowed by the court to become a party to any subsequent appeal or reference to a higher court.