
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 222

**Act of Sederunt (Summary Applications,
Statutory Applications and Appeals etc. Rules)
Amendment (Sexual Offences Act 2003) 2004**

Amendment of the Summary Application Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(1) is amended in accordance with paragraph (2).

(2) In Chapter 3 (rules on applications under specific statutes), after Part XXIV (International Protection of Adults)(2), insert—

“PART XXV

SEXUAL OFFENCES ACT 2003

Interpretation

3.25.1. In this Part—

“the Act” means the Sexual Offences Act 2003.

Time limit for service of a notice under section 99(3)

3.25.2. If the person in respect of whom a notification order is sought wishes to serve on the applicant a notice under section 99(3) of the Act, that person must do so no later than 3 working days before the hearing date for the application for the relevant notification order.

Time limit for service of a notice under section 106(11)

3.25.3. If the person in respect of whom a sexual offences prevention order is sought wishes to serve on the applicant a notice under section 106(11) of the Act, that person must do so no later than 3 working days before the hearing date for the application for the relevant sexual offences prevention order.

Time limit for service of a notice under section 116(6)

3.25.4. If the person in respect of whom a foreign travel order is sought wishes to serve on the applicant a notice under section 116(6) of the Act, that person must do so no later than 3 working days before the hearing date for the application for the relevant foreign travel order.

(1) S.I.1999/929; amended by S.S.I. 2000/148 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, and 2003/26, 27, 98, 261, 316, 346 and 556.

(2) Part XXIV was inserted by S.S.I. 2003/556

Remit of original process under section 108(1)

3.25.5. Where an application is made under section 108(1) of the Act for an order varying, renewing or discharging a sexual offences prevention order (a “section 108 order”) to a sheriff other than a sheriff of the sheriff court which granted the sexual offences prevention order in respect of which the relevant section 108 order is sought (in this rule, the “granting sheriff court”)–

- (a) the sheriff court to which the application for the relevant section 108 order has been made (in this rule, the “requesting sheriff court”) shall notify the granting sheriff court of such application; and
- (b) the granting sheriff court shall, within 4 days of receipt of such notification, remit to the requesting sheriff court the original process relating to the relevant sexual offences prevention order.

Remit of original process under section 118(1)

3.25.6. Where an application is made under section 118(1) of the Act for an order varying, renewing or discharging a foreign travel order (a “section 118 order”) to a sheriff other than a sheriff of the sheriff court which granted the foreign travel order in respect of which the relevant section 118 order is sought (in this rule, the “granting sheriff court”)–

- (a) the sheriff court to which the application for the relevant section 118 order has been made (in this rule, the “requesting sheriff court”) shall notify the granting sheriff court of such application; and
- (b) the granting sheriff court shall within 4 days of receipt of such notification, remit to the requesting sheriff court the original process relating to the foreign travel order.”.