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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 334**

**Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Protection of Children (Scotland) 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 XXV (Sexual Offences Act 2003)(2), insert—

**“PART XXVI**

**PROTECTION OF CHILDREN (SCOTLAND) ACT 2003**

**Interpretation**

**3.25.1.** In this Part—

“the Act” means the Protection of Children (Scotland) Act 2003(3); and

“the list” means the list of individuals considered unsuitable to work with children kept by the Scottish Ministers under section 1(1) of the Act, and cognate expressions shall be construed accordingly.

**Application**

**3.25.2.** An application under section 7(6) or 14(1) or an appeal under section 15(1) of the Act shall be made by summary application.

**Provisional inclusion in the list**

**3.25.3.** The sheriff may consider and dispose of an application by the Scottish Ministers under section 7(6) of the Act without intimation to, or representation by, any other person.

**Applications for removal from the list**

**3.25.4.—(1)** A listed individual shall combine in a single application—

(a) a request for leave to make an application under section 14(1) of the Act;

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(1) S.I.1999/929, amended by S.S.I. 2000/148 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, 2003/26, 27, 98, 261, 316, 346 and 556 and 2004/222.

(2) Part XXV was inserted by S.S.I. 2004/222.

(3) 2003 asp 5.

- (b) the grounds on which that individual considers that the sheriff should grant leave; and
  - (c) the grounds on which that individual considers that the sheriff should grant such an application.
- (2) An application under paragraph (1) shall be intimated to the Scottish Ministers.
- (3) The sheriff shall consider and dispose of at a preliminary hearing that part of an application relating to the request for leave under paragraph (1)(a).

**Appeal: inclusion in lists under section 5 or 6 of the Act**

**3.25.5.** An appeal under section 15(1) of the Act against inclusion in the list in terms of section 5 or 6 of the Act shall be intimated to the Scottish Ministers.

**Appeals: to the sheriff principal or to the Inner House of the Court of Session**

**3.25.6.** An appeal under section 15(4) of the Act to the sheriff principal or an appeal under section 15(6)(a) of the Act to the Inner House of the Court of Session shall be intimated to the Scottish Ministers.”.