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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 197**

**The Retention of Samples etc. (Children's Hearings) (Scotland) Order 2011**

**Relevant sexual offence**

**3.—(1)** For the purposes of section 18E of the 1995 Act, the following relevant violent offences are relevant offences:—

- (a) murder or culpable homicide;
- (b) uttering a threat to the life of another person;
- (c) perverting the course of justice in connection with an offence of murder;
- (d) fire raising;
- (e) serious assault;
- (f) abduction;
- (g) any offence which consists of a contravention of any of the following statutory provisions:
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  - (i) sections 2 (causing explosion likely to endanger life) or 3 (attempting to cause such an explosion) of the Explosive Substances Act 1883(1);
  - (ii) sections 16 (possession of a firearm with intent to endanger life or cause serious injury), 17 (use of firearm to resist arrest) or 18 (having a firearm for purpose of committing an offence listed in Schedule 2) of the Firearms Act 1968(2); and
- (h) any attempt, conspiracy or incitement to commit any offence listed in sub-paragraphs (a) to (g).

(2) For the purpose of paragraph (1)(e) “serious assault” means an assault listed in a ground of referral to a children’s hearing as an—

- (i) assault to severe injury;
- (ii) assault to severe injury and permanent disfigurement;
- (iii) assault to severe injury and permanent impairment; or
- (iv) assault to severe injury, permanent disfigurement and permanent impairment.

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(1) 1883 c.3; section 2 and 3 were substituted by the Criminal Jurisdiction Act 1975 (c.59), section 7(1), (3) and 13(3); section 3 was amended by the Terrorism Act 2006 (c.11), section 17(5). The Terrorism Act 2006 (c.11), section 17(6) provides that this amendment does not extend to Scotland unless it relates to acts of terrorism or the possession or control of explosive substances for the purposes of terrorism.

(2) 1968 c.27; section 17 was amended by the Theft Act 1968 (c.60), Schedule 3, Part III.