
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 452

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules 1999 and Sheriff Appeal Court Rules Amendment) (Age of Criminal Responsibility (Scotland) Act 2019) 2021

Amendment of the Summary Application Rules 1999

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

(2) After Part LII (care homes: emergency intervention orders)⁽²⁾ of Chapter 3 (rules on applications under specific statutes)⁽³⁾, insert—

“PART LIII

AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019

Application and interpretation of this Part

3.53.1.—(1) This Part applies to applications under—

- (a) section 34 (application for order authorising search in relation to child under 12);
 - (b) section 42 (application for child interview order);
 - (c) section 61 (application for order authorising taking of prints and samples from child),
- of the Age of Criminal Responsibility (Scotland) Act 2019⁽⁴⁾.

(2) In this Part, “the 2019 Act” means the Age of Criminal Responsibility (Scotland) Act 2019 and, unless the context otherwise requires, words and expressions used in this Part and in the 2019 Act have the meaning given by that Act.

Form of application

3.53.2. An application under—

- (a) section 34 of the 2019 Act must be made in Form 76;
- (b) section 42 of the 2019 Act must be made in Form 77;
- (c) section 61 of the 2019 Act must be made in Form 78.

(1) S.I. 1999/929, last amended by S.I. 2020/942.

(2) Part LII was inserted by S.S.I. 2020/166.

(3) Chapter 3 was last amended by S.S.I. 2020/166.

(4) 2019 asp 7.

Processing of application

3.53.3.—(1) On receipt by the court of an application to which this Part applies, it must be placed before the sheriff forthwith.

(2) Rule 2.5 (order for intimation to interested persons by the sheriff) does not apply to applications to which this Part applies.

(3) Where—

(a) under sections 35(2), 43(2) or 62(2) (consideration of need for enquiry or hearing) of the 2019 Act, the sheriff considers it appropriate to enquire or hold a hearing;

(b) under sections 35(3), 43(3) or 62(3) (consideration of opportunity to make representations) of the 2019 Act, the sheriff considers that any of the persons mentioned in paragraphs (a) to (d) of those subsections should be given an opportunity to make representations,

the sheriff may make such order as the sheriff thinks fit in relation to that.

Form of order

3.53.4. An order under—

(a) section 36 (order authorising search in relation to child under 12) of the 2019 Act must be in Form 79;

(b) section 44(2) (child interview order) of the 2019 Act must be in Form 80;

(c) section 63 (order authorising taking of prints and samples from child) of the 2019 Act must be in Form 81.

Permission to appeal to Sheriff Appeal Court

3.53.5.—(1) An application for permission to appeal against a decision of the sheriff under sections 36, 44(2) or 63 of the 2019 Act must be made by motion.

(2) Within 1 day after permission to appeal has been granted by the sheriff, the court must transfer the process to the Clerk of the Sheriff Appeal Court.”.

(3) In schedule 1 (forms)(5), after Form 75 insert Forms 76 to 81 as set out in schedule 1 of this Act of Sederunt.