

**2011 No. 167**

**HIGH COURT OF JUSTICIARY**

**SHERIFF COURT**

**JUSTICE OF THE PEACE COURT**

**Act of Adjournal (Criminal Procedure Rules Amendment No. 2)  
(Protection of Vulnerable Groups (Scotland) Act 2007) 2011**

*Made* - - - - - *24th February 2011*

*Coming into force* - - - - - *28th February 2011*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 305 of the Criminal Procedure (Scotland) Act 1995(a), and of all other powers enabling them in that behalf do hereby enact and declare:

**Citation, commencement etc.**

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 2) (Protection of Vulnerable Groups (Scotland) Act 2007) 2011.

(2) It comes into force on 28th February 2011.

(3) A certified copy of this Act of Adjournal is to be inserted in the Books of Adjournal.

**Protection of vulnerable groups**

2.—(1) The Criminal Procedure Rules 1996(b) are amended as follows.

(2) For Chapter 47 (Protection of Children (Scotland) Act 2003)(c) substitute—

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(a) 1995 c.46.

(b) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2011/21).

(c) Chapter 47 was inserted by S.S.I. 2004/481.

## “CHAPTER 47A

### PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

#### References under the Protection of Vulnerable Groups (Scotland) Act 2007

**47A.1.** Where a court is giving the Scottish Ministers information under section 7 of the Protection of Vulnerable Groups (Scotland) Act 2007<sup>(a)</sup> it shall do so by—

- (a) posting a notice of reference in Form 47A.1; or
- (b) transmitting a copy of that notice, by facsimile or other electronic means.”.

(3) In the appendix, for Form 47.1 substitute Form 47A.1<sup>(b)</sup> set out in the Schedule to this Act of Adjournal.

(4) Notwithstanding subparagraphs (1) to (3), Chapter 47 will continue to apply where a referral under section 10 of the Protection of Children (Scotland) Act 2003<sup>(c)</sup> continues to be possible<sup>(d)</sup>.

*A.C. HAMILTON*  
Lord Justice General  
I.P.D.

Edinburgh  
24th February 2011

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(a) 2007 asp 14.  
(b) Form 47.1 was inserted by S.S.I. 2004/481.  
(c) 2003 asp 5. Section 10 was amended by section 24(1) of the Criminal Procedure (Scotland) Act 2004 (2004 asp 5).  
(d) Paragraph 9 of S.S.I. 2010/180 makes savings and transitional provisions in relation to referrals under section 10 of the 2003 Act.

## SCHEDULE

Paragraph 2(3)

### Form 47A.1

Rule 47A.1

Form of notice of reference under section 7 of the Protection of Vulnerable Groups  
(Scotland) Act 2007

Reference Number:

To: The Scottish Ministers

#### TAKE NOTICE

1. That the case of the individual named below is referred to you by the court under section 7(1) of the Protection of Vulnerable Groups (Scotland) Act 2007. That is because the individual has been convicted of a relevant offence.

*[or That the case of the individual named below is referred to you by the court under section 7(3) of the Protection of Vulnerable Groups (Scotland) Act 2007. That is because the individual has been convicted of an offence (other than a relevant offence) and the court is satisfied that it may be appropriate for the individual to be listed in the children's list [or in the adults' list] [or in both the children's list and the adults' list].]*

*(delete as appropriate)*

2. Name of individual: *(and any known aliases or former names)*

Address: *(specify last known address)*

Other addresses: *(specify any other known addresses in the last ten years)*

Date of birth: *(date)*

Gender: *(specify)*

3. Full details of the offence: *(specify)*

Including the following:

- (a) offence(s) convicted of;
- (b) date of conviction;
- (c) copy of the complaint or indictment;

- (d) extracts of the minutes of the proceedings of the court in which the individual was convicted recording details of the conviction;
  - (e) details of the sentence or other disposal by the court of the individual's case, including details of any orders made by the court and any special conditions imposed;
  - (f) copies of any reports submitted to the court in connection with the sentence or other disposal of the individual's case;
  - (g) details of any appeal lodged, final outcome of the appeal and copies of any reports relevant to the appeal.
4. If known to the court, any evidence of any regulated work with children, or with adults, or both (within the meaning of section 91 of the Protection of Vulnerable Groups (Scotland) Act 2007) which the individual does, has done or is likely to do: *(specify)*

*(Signed)*

Depute Clerk of Justiciary [*or* Sheriff Clerk Depute]

Date: *(date)*

Court: *(specify)*

Address: *(specify)*

Telephone number: *(specify)*

E-mail address: *(specify)*

## **EXPLANATORY NOTE**

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

This Act of Adjournal amends the Criminal Procedure Rules 1996.

Paragraph 2 substitutes for Chapter 47 (Protection of Children (Scotland) Act 2003) new Chapter 47A (Protection of Vulnerable Groups (Scotland) Act 2007) in relation to references by a court to the Scottish Ministers under section 7 of the 2007 Act.

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