



Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

24 Protection of Children (Scotland) Act 2003: references following conviction

- (1) In section 10 (referral of person convicted of offence against a child for inclusion on list of persons considered unsuitable to work with children) of the Protection of Children (Scotland) Act 2003 (asp 5)—
 - (a) for “proposed reference”, where it appears in subsections (5) and (6), substitute “reference proposed under subsection (1) above”,
 - (b) for paragraphs (a) and (b) of subsection (6) substitute—
 - “(a) the period during which an appeal against the proposed reference may be brought has expired without an appeal being brought; or
 - (b) where an appeal is brought within that period, it is dismissed or abandoned.”.
- (2) In subsection (1) of section 110 (note of appeal) of the 1995 Act, after “Act”, where second occurring, insert “or, in the case of an appeal under section 106(1)(db) or (dc) of this Act, the date on which the proposal to make a reference is made”.
- (3) After subsection (2) of section 111 (extension of period during which an appeal may be brought in solemn proceedings) insert—
 - “(3) Subsection (2) above does not allow the High Court to extend any such period which relates to an appeal under section 106(1)(db), (dc) or (f)(ii) or (iii) of this Act.”.
- (4) After subsection (3) of section 181 (extension of period during which an appeal may be brought in summary proceedings) insert—

Status: This is the original version (as it was originally enacted).

“(4) Subsection (1) above does not allow the High Court to make a direction in relation to an appeal under section 175(2)(cb) or (d)(ii) or (iii) of this Act.”.

- (5) In subsection (2)(a) of section 186 (appeals against sentence) of the 1995 Act—
- (a) the word “or”, which immediately precedes sub-paragraph (ii) is repealed,
 - (b) after that sub-paragraph insert “; or
(iii) in the case of an appeal under section 175(2)(cb),
the date on which it is proposed that a reference be
made”.