

2006 No. 205

HIGH COURT OF JUSTICIARY

SHERIFF COURT

**Act of Adjournal (Criminal Procedure Rules Amendment No. 2)
(Financial Reporting Orders) 2006**

Made - - - - - *12th April 2006*

Coming into force - - - - - *1st May 2006*

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, with the consent of the Scottish Ministers, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 2) (Financial Reporting Orders) 2006 and shall come into force on 1st May 2006.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Amendment of the Act of Adjournal (Criminal Procedure Rules) 1996

2.—(1) The Act of Adjournal (Criminal Procedure Rules) 1996(b) shall be amended in accordance with the following sub-paragraphs.

(2) At the end there shall be inserted the following:—

“CHAPTER 49

FINANCIAL REPORTING ORDERS

Interpretation

49.1. In this Chapter “financial reporting order” means an order made under section 77(1) of the Serious Organised Crime and Police Act 2005(c).

Financial reporting orders

49.2. A financial reporting order shall be in Form 49.2.

(a) 1995 c.46.

(b) S.I. 1996/513, last amended by S.S.I 2006/76.

(c) 2005 c.15.

Variation or revocation of financial reporting orders

49.3.—(1) An application for the variation or revocation of a financial reporting order shall be made by petition in Form 49.3.

(2) On a petition referred to in paragraph (1) being lodged, the court shall—

- (a) order intimation of the application to be made to the person in respect of whom the financial reporting order was made or the person to whom reports are to be made under it, as the case may be;
- (b) appoint a hearing on the application; and
- (c) order intimation of the hearing to the persons referred to in sub-paragraph (a) and to the governor of any institution in which the person in respect of whom the financial reporting order was made is detained.”.

(3) In the appendix, at the end there shall be inserted the forms set out in the Schedule to this Act of Adjournal.

BRIAN GILL
Lord Justice Clerk
I.P.D.

Edinburgh
12th April 2006

SCHEDULE

Paragraph 2(3)

FORM 49.2

Rule 49.2

Form of financial reporting order FINANCIAL REPORTING ORDER

COURT:

DATE:

OFFENDER:

Address:

Date of birth:

THE COURT, sentencing or otherwise dealing with the offender in respect of an offence mentioned in section 77(3) of the Serious Organised Crime and Police Act 2005, namely the offence(s) of *(specify)*;

AND being satisfied that the risk of the offender committing another offence mentioned in section 77(3) of that Act is sufficiently high to justify the making of a financial reporting order;

ORDERS that during a period of *(specify length of period)* from the date of this order the offender shall make reports to *(specify person)* in respect of the period of *(specify length of period)* beginning with the date of this order and subsequent period(s) of *(specify length(s) of period(s))*, each period beginning immediately after the end of the previous one; and that each report shall be made within *(specify number)* days after the end of the period in question; and that each report shall set out *(specify particulars of financial affairs to be provided and the manner in which they are to be provided)*; [and that *(specify documents)* shall be included with each report].

Signed

Clerk of Court

Form of petition for variation or revocation of financial reporting order

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, THE LORD JUSTICE
CLERK, and THE LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*)]

AT (*place*)

PETITION

of

[A.B] (*address*)

[or Prisoner at the Prison of (*place*)]

PETITIONER

HUMBLY SHEWETH:

1. That there is annexed to this petition a copy of the financial reporting order which was made by the sheriff at (*place*) [or by the High Court sitting at (*place*)] on (*date*).
- [2. That the financial reporting order has been varied as follows:– (*specify details of any previous variation*)].
3. That the petitioner seeks to vary [or revoke] the financial reporting order for the following reasons:– (*here state reasons*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) to appoint intimation of this petition to be made to (*specify person*);
- (2) to appoint parties to be heard thereon on the earliest practicable date thereafter;
- (3) to appoint intimation of the hearing to be made to (*specify persons*); and
- (4) thereafter, on being duly satisfied, to make an order varying [or revoking] the financial reporting order [by] (*here state the terms of the variation sought*) and to do further and otherwise as to your Lordship[s] [or to the court] shall seem proper.

ACCORDING TO JUSTICE, etc.

(*Signed*)

Petitioner

[or

[Solicitor for Petitioner]

(*address, e-mail address and telephone number of solicitor*)

EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules 1996 by providing for a form for financial reporting orders under section 77 of the Serious Organised Crime and Police Act 2005 and a procedure for applications for variation and revocation of those orders.

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