SCOTTISH STATUTORY INSTRUMENTS

2026 No. 11

HIGH COURT OF JUSTICIARY

SHERIFF COURT

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) 2026

Made - - - -	*15th January 2026*
Laid before the Scottish Parliament	*16th January 2026*
Coming into force	*21st February 2026*

The High Court of Justiciary makes this Act of Adjournal under the powers conferred on it by section 305 of the Criminal Procedure (Scotland) Act 1995(**a**) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) 2026.

(2) It comes into force on 21st February 2026.

(3) A certified copy is to be inserted into the Books of Adjournal.

Amendment of the Criminal Procedure Rules 1996

2.—(1) The Criminal Procedure Rules 1996(**b**) are amended in accordance with this paragraph.

(2) In Chapter 56 (reporting restrictions)(**c**), in rule 56.2 (notification of reporting restrictions)(**d**), after paragraph (3) insert—

"(4) Paragraphs (2) and (3) do not apply to an interim order made after the jury is balloted and which subsists only until the jury has taken the jury oath or affirmation, as the case may be."

(3) In the appendix—

(**a**) 1995 c. 46. Section 305 was last amended by section 111(1) of the Criminal Justice (Scotland) Act 2016 (asp 1), and by S.S.I. 2015/338 and was extended by section 386(3)(a) of the Proceeds of Crime Act 2002 (c. 29), section 36A(4) of the Serious Crime Act 2007 (c. 27) and section 32(5) of the Psychoactive Substances Act 2016 (c. 2).

(**b**) The Criminal Procedure Rules 1996 are in schedule 2 of the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513), last amended by S.S.I. 2025/47.

(**c**) Chapter 56 was substituted by S.S.I. 2015/84 and last amended by S.S.I. 2020/27.

(**d**) Rule 56.2 was amended by S.S.I. 2020/27.

(a) in Form 20.3A-B (form of notice of requirement to notify police under Part 2 of the Sexual Offences Act 2003)(**a**), after paragraph (16) insert—

" (17) If you have

(a) made an application for a gender recognition certificate (under section 1 of the Gender Recognition Act 2004) that has not been determined;

(b) obtained a full gender recognition certificate (under section 4 of the Gender Recognition Act 2004) that was issued on or after the date of conviction [*or* finding]. "

(b) paragraph 17 becomes paragraph 18.

PAUL CULLEN
Lord Justice General
I.P.D.

Edinburgh
15th January 2026

(**a**) Form 20.3A-B was inserted by S.I. 1997/2082 and last substituted by S.S.I. 2015/295.

EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules 1996.

Paragraph 2(2) amends rule 56.2 to provide that the requirement to send a copy of an interim order to any interested person does not apply to an interim order which is made after a jury is balloted and which subsists only until the jury has taken the jury oath or affirmation, as the case may be.

Paragraph 2(3) amends Form 20.3A-B to require that a person who is required to notify police under Part 2 of the Sexual Offences Act 2003 must notify the police if that person makes an application for a gender recognition certificate that has not been determined, or obtains a full gender recognition certificate that is issued on or after the relevant date. This amendment to Form 20.3A-B is consequential to the coming into force of the Sexual Offences Act 2004 (Notification Requirements) (Scotland) Amendment Regulations 2025.

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