SCOTTISH STATUTORY INSTRUMENTS

2026 No. 328

SHERIFF COURT

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) (No. 2) 2026

Made - - - -	*4th November 2026*
Laid before the Scottish Parliament	*5th November 2026*
Coming into force	*7th December 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**), paragraph 12(c) of schedule 18 of the Crime and Policing Act 2026(**b**) 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) (No. 2) 2026.

(2) It comes into force on 7th December 2026.

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

Amendment of the Criminal Procedure Rules 1996

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

(2) In Chapter 6 (proceedings involving children)(**d**), in rule 6.1 (interpretation of this chapter) omit the definition of "UNCRC requirements".

(3) After Chapter 73 (Sexual Harm Prevention Orders under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016)(**e**) insert—

(**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**) 2026 c. 20.
(**c**) 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. 2026/99.
(**d**) Chapter 6 was last amended by S.S.I. 2024/174.
(**e**) Chapter 73 was inserted by S.S.I. 2023/61.

"CHAPTER 74

INTERNET PROTOCOL ADDRESS AND DOMAIN NAME SUSPENSION ORDERS

Interpretation of this Chapter

74.1. In this Chapter—

"the 2026 Act" means the Crime and Policing Act 2026(**a**) and references to terms defined in paragraph 21 (further interpretation) of schedule 18 of that Act have the same meaning here as given there;

"appropriate officer" has the meaning given by paragraph 14(1)(c) ("appropriate officer" and "senior officer") of schedule 18 of the 2026 Act;

"non-disclosure order" has the meaning given by paragraph 9(2) (discharge and variation of non-disclosure orders) of schedule 18 of the 2026 Act;

"relevant persons" means the persons who may apply for discharge or variation of a suspension order under paragraph 7(1) (discharge and variation of suspension orders) of schedule 18 of the 2026 Act and the persons who may apply for discharge or variation of a non-disclosure order under paragraph 9(1) (discharge and variation of non-disclosure orders) of schedule 18 of the 2026 Act.

Application for an IP address suspension order

74.2.—(1) An application under paragraph 1 (applications for IP address suspension orders) of schedule 18 of the 2026 Act is to be in Form 74.2.

(2) When an application mentioned in paragraph (1) is lodged, the court may—

(a) dispense with intimation to any other person and proceed to consider the application; or

(b) fix a date for hearing the application and order intimation of the diet and application to the person against whom the IP address suspension order is sought.

(3) The proceedings must be in private unless the court otherwise directs.

Application for a domain name suspension order

74.3.—(1) An application under paragraph 3 (applications for domain name suspension orders) of schedule 18 of the 2026 Act is to be in Form 74.3.

(2) When an application mentioned in paragraph (1) is lodged, the court may—

(a) dispense with intimation to any other person and proceed to consider the application; or

(b) fix a date for hearing the application and order intimation of the diet and application to the person against whom the domain name suspension order is sought.

(3) The proceedings must be in private unless the court otherwise directs.

Disapplication of non-disclosure duty in applications for suspension orders or in suspension orders

74.4.—(1) An application under paragraphs 5(2)(a) (applications for suspension orders: non-disclosure duty) or 6(2)(a) (inclusion of non-disclosure requirements in suspension orders) of schedule 18 of the 2026 Act is to be in Form 74.4.

(**a**) 2026 c. 20.

(2) When an application mentioned in paragraph (1) is lodged, the court must order intimation of the application to the appropriate officer.

(3) The appropriate officer must, within seven days of intimation of the application, notify the clerk of court in writing whether or not the application is opposed.

(4) Where the appropriate officer notifies the clerk of court that the application is not opposed, the court must proceed to consider the application and may do so in the absence of the applicant.

(5) Where the appropriate officer notifies the clerk of court that the application will be opposed, the clerk of court must arrange a hearing at which the parties may appear or be represented.

(6) The proceedings must be in private unless the court otherwise directs.

(7) The clerk of court must give notice in writing of the decision of the court on an application referred to in paragraph (1) to the applicant and the appropriate officer.

(8) An application under paragraph 5(4) (applications for suspension orders: non-disclosure duty) of schedule 18 of the 2026 Act is to be made by incidental application in Form 16.4-A.

Discharge and variation of suspension orders

74.5.—(1) An application under paragraph 7(1) (discharge and variation of suspension orders) of schedule 18 of the 2026 Act is to be in Form 74.5.

(2) When an application mentioned in paragraph (1) is lodged, the court may—

(a) if the application is made by an appropriate officer, dispense with intimation to any relevant persons and proceed to consider the application; or

(b) if no such dispensation is made or the application is made by a person affected by the order, fix a date for hearing the application and order intimation of the diet and application to—

(i) an appropriate officer, where a person affected by the suspension order is seeking to discharge or vary it;

(ii) a person affected by the suspension order, where an appropriate officer is seeking to discharge or vary it.

(3) The proceedings must be in private unless the court otherwise directs.

Extension of suspension orders

74.6.—(1) An application under paragraph 8(1) (extension of suspension orders) of schedule 18 of the 2026 Act is to be in Form 74.6.

(2) When an application mentioned in paragraph (1) is lodged, the court may—

(a) dispense with intimation to any other person and proceed to consider the application; or

(b) fix a date for hearing the application and order intimation of the diet and application to the person affected by the suspension order.

(3) The proceedings must be in private unless the court otherwise directs.

Discharge and variation of non-disclosure orders

74.7.—(1) An application under paragraph 9(1) (discharge and variation of non-disclosure orders) of schedule 18 of the 2026 Act is to be in Form 74.7.

(2) When an application mentioned in paragraph (1) is lodged, the court may—

(a) dispense with intimation to any relevant persons and proceed to consider the application; or

(b) fix a date for hearing the application and order intimation of the diet and application to—

(i) an appropriate officer, where the person against whom the non-disclosure order was made is seeking to discharge or vary it;

(ii) the person against whom the non-disclosure order was made, where an appropriate officer is seeking to discharge or vary it.

(3) The proceedings must be in private unless the court otherwise directs."

(4) In the appendix, after Form 73.3 (form of application for variation, renewal or discharge of a sexual harm prevention order)(**a**) insert Forms 74.2, 74.3, 74.4, 74.5, 74.6 and 74.7 as set out in the schedule of this Act of Adjournal.

PAUL CULLEN
Lord Justice General
I.P.D.

Edinburgh
4th November 2026

(**a**) Form 73.3 was inserted by S.S.I. 2023/61.

SCHEDULE

Paragraph 2(4)

Form 74.2

Rule 74.2(1)

Form of application for an IP Address Suspension Order

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*)

AT (*place*)

APPLICATION

of

[xxx]

APPLICANT

for

an IP ADDRESS SUSPENSION ORDER

under paragraph 1(2) of schedule 18 of the Crime and Policing Act 2026

1. The requirements are met for the making of an IP address suspension order in terms of paragraph 2 of schedule 18 of the 2026 Act (*here state details*).

2. The terms of the order sought are (*here state details including specification of the IP address in relation to which suspension is sought and specification of the period for which suspension is sought*).

[3. That the court should dispense with intimation for the following reasons (*here state why it would be appropriate*).]

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

(1) to dispense with intimation to (*specify persons*) and to proceed to consider the application;

[*or*

(1) to appoint intimation of this application to be made to (*specify persons*) and appoint parties to be heard thereon on;]

(2) thereafter on being duly satisfied, to make an IP address suspension order as set out in the application or to do otherwise as to the court shall seem proper.

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

(Place and date)

Form 74.3

Rule 74.3(1)

Form of application for a Domain Name Suspension Order

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*)

AT (*place*)

APPLICATION

of

[xxxx]

APPLICANT

for

a DOMAIN NAME SUSPENSION ORDER

under paragraph 3(2) of schedule 18 of the Crime and Policing Act 2026

1. The requirements are met for the making of a domain name suspension order in terms of paragraph 4 of schedule 18 of the 2026 Act (*here state details*).

2. The terms of the order sought are (*here state details including specification of the domain name in relation to which suspension is sought and specification of the period for which suspension is sought*).

[3. That the court should dispense with intimation for the following reasons (*here state why it would be appropriate*).]

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

(1) to dispense with intimation to (*specify persons*) and to proceed to consider the application;

[*or*

(1) to appoint intimation of this application to be made to (*specify persons*) and appoint parties to be heard thereon on;]

(2) thereafter, on being duly satisfied, to make a domain name suspension order as set out in the application or to do otherwise as to the court shall seem proper.

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

(Place and date)

Form 74.4

Rule 74.4(1)

Form of application for the disapplication of a non-disclosure requirement in a Suspension Order or in an application for such order

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*)

AT (*place*)

APPLICATION

of

[xxxx]

APPLICANT

for

Disapplication of a non-disclosure requirement in a SUSPENSION ORDER or in an application for such order

under paragraph 5(2)(a) [*or* paragraph 6(2)(a)] of schedule 18 of the Crime and Policing Act 2026

1. There is annexed to this application a copy of the application for a suspension order [*or* a copy of the suspension order] which gives rise to a non-disclosure requirement in paragraph 5(2) [*or* in paragraph 6(2)] of schedule 18 of the 2026 Act which the applicant seeks to disapply.

2. The applicant seeks disapplication of the non-disclosure requirement in paragraph 5(2) [*or* paragraph 6(2)] as follows (*here explain disapplication sought*) for the following reasons:– (*here state reasons*).

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

[*or Solicitor for Applicant*

(*Address and telephone number of solicitor*)]

(Place and date)

Form 74.5

Rule 74.5(1)

Form of application to discharge or vary a Suspension Order

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*)

AT (*place*)

APPLICATION

of

[xxxx]

APPLICANT

for

Discharge or variation of a SUSPENSION ORDER

under paragraph 7(1) of schedule 18 of the Crime and Policing Act 2026

1. There is annexed to this application a copy of the suspension order which was made [*or* varied] by the sheriff at (*place*) on (*date*).

2. The applicant seeks to vary the suspension order as follows (*here state variation sought*) [*or* to discharge the suspension order] for the following reasons:– (*here state reasons*).

[3. The non-disclosure requirement in the order should be maintained (*here state details including why it would be appropriate*) until (*here state details of expiry*).]

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

(1) to dispense with intimation to (*specify persons*) and to proceed to consider the application:

[*or*

(1) to appoint intimation of this application to be made to (*specify persons*) and appoint parties to be heard thereon on;]

(2) thereafter, on being duly satisfied, to make an order varying the suspension order by (*here state the terms of the variation sought*) [*or* discharging the suspension order] [and maintaining the non-disclosure requirement until expiry on (*here state expiry details*) or to do otherwise as to the court shall seem proper.

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

[*or Solicitor for Applicant*

(*Address and telephone number of solicitor*)]

(*Place and date*)

Form 74.6

Rule 74.6(1)

Form of application for extension of Suspension Order

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*)

AT (*place*)

APPLICATION

of

[xxxx]

APPLICANT

for

Extension of a SUSPENSION ORDER

under paragraph 8 of schedule 18 of the Crime and Policing Act 2026

1. There is annexed to this application a copy of the suspension order which was made [*or* varied] by the sheriff at (*place*) on (*date*).

2. The applicant seeks to extend the suspension order as follows (*here state details*).

[3. The non-disclosure requirement in the order should be maintained (*here state details including why it would be appropriate*) until (*here state details of expiry*).]

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

(1) to dispense with intimation to (*specify persons*) and to proceed to consider the application;

[*or*

(1) to appoint intimation of this application to be made to (*specify persons*) and appoint parties to be heard thereon on;]

(2) thereafter, on being duly satisfied, to make an order extending the suspension order by (*here state the duration of the extension sought*) [and maintaining the non-disclosure requirement until expiry on (*here state details*)] or to do otherwise as to the court shall seem proper.

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

(Place and date)

Form 74.7

Rule 74.7(1)

Form of application to discharge or vary a non-disclosure order

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*)

AT *(place*)

APPLICATION

of

[xxxx]

APPLICANT

for

Discharge or variation of a NON-DISCLOSURE ORDER under paragraph 9(1) of schedule 18 of the Crime and Policing Act 2026

1. There is annexed to this application a copy of the non-disclosure order which was made by the sheriff at (*place*) on (*date*).

2. The applicant seeks to vary the non-disclosure order as follows (*here state variation sought*) [*or* to discharge the non-disclosure order] for the following reasons:– (*here state reasons*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

(1) to dispense with intimation to (*specify persons*) and to proceed to consider the application:

[*or*

(1) to appoint intimation of this application to be made to (*specify persons*) and appoint parties to be heard thereon on;]

(2) thereafter, on being duly satisfied, to make an order varying the non-disclosure order by (*here state the terms of the variation sought*) [*or* discharge the non-disclosure order] or to do otherwise as to the court shall seem proper.

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

[*or Solicitor for Applicant*

(*Address and telephone number of solicitor*)]

(Place and date)

EXPLANATORY NOTE

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

This Act of Adjournal inserts a new Chapter 74 into the Criminal Procedure Rules 1996 ("the 1996 Rules") to make provision for the application, variation, extension and discharge of IP address and domain name suspension orders under the Crime and Policing Act 2026 ("the 2026 Act").

It also provides for parties affected by suspension orders to seek the leave of the court to disapply the non-disclosure duty imposed by the 2026 Act in such orders, and for discharge and variation of certain non-disclosure orders (see paragraph 9 of schedule 18 of the 2026 Act).

Paragraph 2(2) also amends rule 6(1) of the 1996 Rules to remove an unnecessary definition.

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