

**2005 No. 480 (C. 24)**

**CRIMINAL LAW**

**The Protection of Children and Prevention of Sexual Offences  
(Scotland) Act 2005 (Commencement and Savings) Order 2005**

*Made* - - - - *28th September 2005*

The Scottish Ministers, in exercise of the powers conferred by section 20(2) and (3) of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005<sup>(a)</sup>, hereby make the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (Commencement and Savings) Order 2005.

(2) In this Order “the 2003 Act” means the Sexual Offences Act 2003<sup>(b)</sup>.

**Appointed day**

**2.** Subject to the savings contained in article 3, the day appointed for the coming into force of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 is 7th October 2005 (in so far as not already in force).

**Savings**

**3.**—(1) Sections 105(2) (further provision as to sexual offences prevention orders) and 112(1)(e) and (f) (certain modifications to sections 104 and 106 to 109 for Scotland) of the 2003 Act shall continue to have effect as if this Order had not been made, in a case to which paragraph (2) applies.

(2) This paragraph applies to any application for a sexual offences prevention order or for the variation, renewal or discharge of such an order, provided the application was made before 7th October 2005.

(3) Paragraphs 45 and 46 of Schedule 3 to the 2003 Act (offences which make a person subject to the requirements of Part 2 of that Act) shall continue to have effect as if this Order had not been made, in a case to which paragraph (4) applies.

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<sup>(a)</sup> 2005 asp 9.  
<sup>(b)</sup> 2003 c.42.

(4) This paragraph applies to persons who are subject to the requirements of Part 2 of the 2003 Act as at 6th October 2005 by virtue of paragraphs 45 or 46 of Schedule 3 to the 2003 Act.

St Andrew's House,  
Edinburgh  
28th September 2005

*CATHY JAMIESON*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force on 7th October 2005 all of the provisions of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (“the Act”), in so far as not already in force. The Act received Royal Assent on 12th July 2005. Section 20 (citation and commencement) came into force on Royal Assent.

Commencement of these provisions is subject to the savings provisions contained in Article 3. Article 3(1) and (2) save the existing version of sections 105(2) (further provision as to sexual offences prevention orders) and 112(1)(e) and (f) (certain modifications to sections 104 and 106 to 109 for Scotland) of the Sexual Offences Act 2003 (“the 2003 Act”), but only in respect of applications made under these provisions prior to 7th October 2005. This is to ensure that these applications are unaffected by changes in jurisdiction when the Act is brought into force.

Article 3(3) and (4) saves the existing version of paragraphs 45 and 46 of Schedule 3 to the 2003 Act (offences which trigger certain provisions in Part 2 of that Act), but only in relation to persons who have become subject to the requirements of Part 2 of the 2003 Act prior to 7th October 2005 by virtue of having been dealt with by a court in respect of an offence listed in either of those paragraphs.

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