

**ACT OF ADJOURNAL (CRIMINAL PROCEDURE RULES 1996 AMENDMENT)
(EUROPEAN UNION (FUTURE RELATIONSHIP) ACT 2020) 2022**

Purpose

1. To invite members to consider and, if content, approve the attached Act of Adjournal.

Background

2. Members will recollect that at its February 2022 meeting the Council instructed LPPO to prepare a draft Act of Adjournal essentially removing certain provisions in the Criminal Procedure Rules 1996 which had become redundant as a result of the United Kingdom's departure from the European Union.

To note

3. The instrument amends the heading of Chapter 34A, omitting reference to European Arrest Warrant as EAWs are obsolete. Chapter 34A now applies to all Part 1 warrants.
4. It removes all reference to European Protection Orders ("EPO") and European Investigation Orders ("EIO") respectively from the 1996 Rules by revoking Chapters 61 and 67 and associated forms. After 31st December 2020, both EPOs and EIOs are obsolete.
5. Paragraph 3 makes saving provision in respect of any EPO or EIO received before the end of the transition period and
6. It also makes saving in respect of any EPOs issued before 1st December 2022. The *Civil Protection Measures, European Protection Order and Victims' Rights (EU Exit) (Scotland) (Amendment Etc.) Regulations 2022 (SSI 2022/249)* repeal sections 254A to 254E of the Criminal Procedure (Scotland) Act 1995 but save sections 254A and 254B in respect of any European Protection Orders made prior to 1 December 2022 (when the regulations come into force). LPPO presumes, therefore, that, in particular, the savings in that instrument relate to any variation required for the purposes of section 254B(6) which effectively would allow the modification of an EPO granted on or before 30th November

2022. (As we understand it, an EU country would only be required to recognise modification of a relevant EPO which was originally received on or before 31st December 2020). Paragraph 3(b) of the draft instrument mirrors the savings provisions in the SG instrument.

Recommendation

- **That, if content, you approve the Act of Adjournal for submission to the High Court for making, subject to any stylistic changes. .**

LPPO

November 2022