

SCHEDULE 2

CRIMINAL PROCEDURE RULES 1996

PART III

Solemn proceedings

CHAPTER 8

THE INDICTMENT

Appeals in relation to extension of time for trial

8.1.—(1) A note of appeal under section 65(8) of the Act of 1995 (appeal to High Court against grant or refusal of extension of time) in respect of an appeal from a decision under section 65(3) of that Act (extension of 12 months period for commencement of trial on indictment) shall be in Form 8.1-A.

(2) A note of appeal under section 65(8) of the Act of 1995 in respect of an appeal from a decision under section 65(5) or (7) of that Act (extension of 80 or 110 days period of committal) shall be in Form 8.1-B.

(3) A note of appeal mentioned in paragraph (1) or (2) shall be served by the appellant on—

- (a) the respondent;
- (b) any co-accused; and
- (c) the clerk of the court against the decision of which the appeal is taken.

(4) The appellant shall lodge with the Clerk of Justiciary—

- (a) the note of appeal; and
- (b) the execution of service in respect of the persons mentioned in paragraph (3).

(5) The clerk of the court against the decision of which the appeal is taken shall, as soon as practicable after being served with the note of appeal, transmit to the Clerk of Justiciary the original application and all the relative documents; and the Clerk of Justiciary shall, on receiving them, assign the appeal to the roll and intimate the date of the diet to the appellant and the respondent.

Citation of accused and witnesses

8.2.—(1) The warrant to cite a person accused on indictment and any witnesses to a diet of trial, under section 66(1) of the Act of 1995 (warrant to cite accused and witnesses), shall be in Form 8.2-A.

(2) The notice for the purposes of section 66(6) of the Act of 1995 (notice to accused to appear) to be served on a person accused on indictment shall be in Form 8.2-B.

(3) The form of postal citation of a witness on a warrant issued under section 66(1) of the Act of 1995 shall be in Form 8.2-C; and the witness shall complete and return Form 8.2-D to the procurator fiscal, or the accused person or his solicitor, as the case may be, in the pre-paid envelope provided within 14 days after the date of citation.

(4) The form of personal citation of a witness on a warrant issued under section 66(1) of the Act of 1995 shall be in Form 8.2-E.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Notice of previous convictions

8.3. Any notice to be served on an accused under section 69(2) of the Act of 1995 (notice of previous convictions) shall be in Form 8.3.