

SCHEDULE

PART 3

FORM 8.1—A Form of note of appeal against grant or refusal of extension of period of 11 or 12 months under section 65(8) of the Criminal Procedure (Scotland) Act 1995

Status: This is the original version (as it was originally made).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

Rule 8.1(1)

**UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE
CLERK AND LORDS COMMISSIONERS OF JUSTICIARY**

NOTE OF APPEAL

**under section 65(8) of the
Criminal Procedure (Scotland) Act 1995**

by

[A.B.]

[whose domicile of citation has been specified as (specify)]

Appellant

against

[HER MAJESTY'S ADVOCATE]

Respondent

HUMBLY SHEWETH:

1. That at the sheriff court of the (name of sheriffdom and place of court) on (date) the appellant [along with (name(s) of co-accused)] appeared on petition at the instance of the procurator fiscal of that court on [a] charge(s) of (specify).
2. That the appellant was committed for trial on (date) and was released on bail on (date).
3. That the appellant was indicted to a preliminary hearing within the High Court of Justiciary [or That the appellant was indicted to stand trial within the High Court of Justiciary] [or sheriff court] sitting at (place) on (date).
4. That an application under section 65(3) of the Criminal Procedure (Scotland) Act 1995 was presented to the High Court of Justiciary [or sheriff court] on (date) by or on behalf of Her Majesty's Advocate and heard in the High Court of Justiciary [or sheriff court] at (place) on (date).
5. That Lord [or Sheriff] (name) extended [or refused to extend] the period of 11 [or 12] months which would have expired on (date) by (number) days.
6. That the grant [or refusal] of the extension is unreasonable in respect that (here state briefly reasons for appeal).

ACCORDING TO JUSTICE, etc.

(Signed)

Prosecutor

[or legal representative of [A.B.]]

(Name, address, e-mail address and telephone number)

(Place and date)

FORM 8.1–B Form of note of appeal against grant or refusal of extension of 80, 110 or 140 days period of committal under section 65(8) of the Criminal Procedure (Scotland) Act 1995

Rule 8.1(2)

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

NOTE OF APPEAL.

under section 65(8) of the
Criminal Procedure (Scotland) Act 1995

by

[A.B.]

[presently a prisoner in the Prison of *(place)*]

Appellant

Against

[HER MAJESTY'S ADVOCATE]

Respondent

HUMBLY SHEWETH:

1. That at the sheriff court of the *(name of sheriffdom and place of court)* on *(date)* the appellant [, along with *(name/s) of co-accused.*] appeared on petition at the instance of the procurator fiscal of that court on [a] charge(s) of *(specify)*.
2. That the appellant was committed until liberated in due course of law on *(date)* and remains in custody
3. That no indictment has been served on the appellant [or That the appellant was cited to a preliminary hearing within the High Court of Justiciary on *(date)* at *(place)*.] [A trial diet has been appointed by the court within the High Court of Justiciary sitting at *(place)* on *(date)*] [or That the appellant was indicted to stand trial within the sheriff court] sitting at *(place)* on *(date)*].
4. That an application under section 65(5) of the Criminal Procedure (Scotland) Act 1995 was presented to the High Court of Justiciary [or sheriff court] sitting at *(place)* on *(date)* by or on behalf of Her Majesty's Advocate and was heard in that court on *(date)*.
5. That Lord [or Sheriff] *(name)* extended [or refused to extend] the period of 80 [or 110 or 140] days which would have expired on *(date)* by *(number)* days.
6. That the grant [or refusal] of the extension is unreasonable in respect that *(here state briefly reasons for appeal)*.

ACCORDING TO JUSTICE, etc.

(Signed)

Prosecutor

[or Legal representative of [A.B.]]

(Name, address, e-mail address and telephone number)

(Place and date)

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FORM 9.1 Form of minute of notice under section 71(2) of the Criminal Procedure (Scotland) Act 1995

Rule 9.1(1)

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

AT *(place)*

MINUTE

by

HER MAJESTY'S ADVOCATE

[or *[A.B.] (address)*

[or Prisoner in the Prison of *(place)*]]

HUMBLY SHEWETH:

1. That *[A.B.]* [, along with *(name(s) of co-accused)*,] has been indicted at the instance of Her Majesty's Advocate for trial in the sheriff court at *(place)* on *(date)* with a first diet on *(date)*.
2. That the minuter is raising the following preliminary plea[s] [or preliminary issue[s]]:-
(here specify the preliminary plea(s) and preliminary issue(s)).
3. That a copy of this minute has been duly intimated to Her Majesty's Advocate [or *A.B.*] [and to the said *(name(s) of co-accused)*] conform to execution[s] attached to this minute.

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

- (a) to consider the above preliminary plea[s] [and/or issue[s]] at the first diet;
- (b) to order that the following productions be made available at that diet.

IN RESPECT WHEREOF

(Signed)

Prosecutor

[or Legal representative of *[A.B.]*]

(Name, address, e-mail address and telephone number)

(Place and date)

FORM 9.6 Form of note of appeal under section 74(1) of the Criminal Procedure (Scotland) Act 1995 against a decision of the sheriff at a first diet

Rule 9.6(1)

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE
CLERK AND LORDS COMMISSIONERS OF JUSTICIARY

NOTE OF APPEAL.

by

HER MAJESTY'S ADVOCATE

[[or A.B.] (address)

[or Prisoner in the Prison of (place)]

HUMBLY SHEWETH:

1. That in the sheriff court sitting at *(place)* on *(date)* a first diet was held in the case of Her Majesty's Advocate against *[A.B.]* *[and (name(s) of co-accused)]*.
2. That the diet appointed for trial on the indictment is *(diet)*.
3. That the ground[s] of submission raised at the first diet was *[or were]* *(specify)*.
4. That the decision of the court was *(specify)*.
5. That the court granted leave to appeal to the High Court of Justiciary against that decision.
6. That Her Majesty's Advocate *[or A.B.]* appeals to the High Court of Justiciary against that decision on the following grounds *(specify)*.

ACCORDING TO JUSTICE, etc.

(Signed)

Prosecutor

[or Legal representative of [A.B.]]

(Name, address, e-mail address and telephone number)

(Place and date)

FORM 9.11 Form of minute of abandonment of appeal made under section 74(1) of the Criminal Procedure (Scotland) Act 1995 against a decision of the sheriff at a first diet
NOTICE OF ABANDONMENT OF APPEAL

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

Rule 9.11(2)

Name of appellant:

Date of birth:

Prisoner in the Prison of *(place)* [or as the case may be]

Crime or offence to which appeal relates:

Court:

The above appellant, having lodged a note of appeal under section 74(1) of the Criminal Procedure (Scotland) Act 1995, abandons, as from this date, that appeal against the decision at the first diet

(Signed)

Prosecutor

[or Legal representative of [A.B.]]

(Name, address, e-mail address and telephone number)

(Place and date)