

**2008 No. 275**

**SHERIFF COURT**

**JUSTICE OF THE PEACE COURT**

**Act of Adjournal (Criminal Procedure Rules Amendment No. 3)  
(Seizure and Disposal of Vehicles) 2008**

*Made* - - - - - *18th July 2008*

*Coming into force* - - - - - *15th August 2008*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 305 of the Criminal Procedure (Scotland) Act 1995(a), and of all other powers enabling them in that behalf do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 3) (Seizure and Disposal of Vehicles) 2008 and shall come into force on 15th August 2008.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

**Enforcement of fines etc.**

2.—(1) After rule 20.9A of the Criminal Procedure Rules (enforcement orders)(b) insert—

**“Application for release of vehicle**

**20.9AA.** An application under regulation 19(1)(b) or (c) of the Enforcement of Fines (Seizure and Disposal of Vehicles) (Scotland) Regulations 2008 (release of seized vehicle on application by offender)(c) shall be in Form 20.9AA.”.

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(a) 1995 c.46.

(b) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2008/62). Rule 20.9A was inserted by S.S.I. 2008/61.

(c) S.S.I. 2008/103.

(2) After Form 20.9A(a) in the appendix to the Criminal Procedure Rules insert Form 20.9AA set out in the Schedule to this Act of Adjournal.

*A C Hamilton*  
Lord Justice General  
I.P.D.

Edinburgh  
18th July 2008

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(a) Form 20.9A was inserted by S.S.I. 2008/61.

SCHEDULE

FORM 20.9AA

Rule 20.9AA

**Form of application under regulation 19(1)(b) or (c) of the  
Enforcement of Fines (Seizure and Disposal of Vehicles) (Scotland) Regulations 2008**

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

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT] OF *(name of sheriffdom)*  
AT *(place)*]

APPLICATION

by

[A.B.] *(address)* [or prisoner in the Prison of *(place)*]

APPLICANT

HUMBLY SHEWETH:

1. That a vehicle seizure order was made against [A.B.] on *(date)* in respect of vehicle registration number *(specify number)*.
2. That the vehicle seizure order was carried out on *(date)* at *(address where vehicle was located)*.
3. That [A.B.] received notification on *(date)* from *(name)*, Fines Enforcement Officer, of the refusal of his application for release of the vehicle dated *(date)* [or That [A.B.] applied to *(name)*, Fines Enforcement Officer, for release of the above vehicle on *(date)* and that a decision on the application has not been intimated to [A.B.] in accordance with regulation 19(2) of the Enforcement of Fines (Seizure and Disposal of Vehicles) (Scotland) Regulations 2008].

MAY IT THEREFORE PLEASE YOUR LORDSHIP [or THE COURT]–

- (a) *(here state the terms of the order sought)*;
- (b) to fix a diet for the hearing of this application; and
- (c) to do otherwise as to your Lordship [or the Court] shall seem proper.

IN RESPECT WHEREOF

*(Signed)*

[A.B.]

[or, Legal representative for [A.B.]]

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

*(Place and date)*

## **EXPLANATORY NOTE**

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

This Act of Adjournal amends the Criminal Procedure Rules 1996 to provide for the form of applications under regulations 19(1)(b) and (c) of the Enforcement of Fines (Seizure and Disposal of Vehicles) (Scotland) Regulations 2008 (S.S.I. 2008/103).

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