

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2012 No. 125**

**Act of Adjournal (Criminal Procedure  
Rules Amendment) (Miscellaneous) 2012**

**Extradition**

6. After rule 34.2 (arrest under provisional warrant)(1) insert—

**“Procedural hearing**

**34.2A.**—(1) This rule applies where the sheriff of Lothian and Borders has fixed a date on which an extradition hearing is to begin in terms of section 8(1), section 75(1) or section 76(2) of the Act of 2003.

(2) The sheriff may fix a procedural hearing for the purposes of determining whether parties are ready to proceed to the extradition hearing.

(3) Where the extradition hearing is subsequently fixed for a later date the sheriff may discharge the procedural hearing and fix a new procedural hearing for a later date or, if the later date for the extradition hearing is fixed at or following the procedural hearing, fix a further procedural hearing.

(4) Where the extradition hearing has been adjourned the sheriff may fix a further procedural hearing.

(5) On fixing a procedural hearing under paragraph (2) the sheriff shall—

- (a) grant warrant for the citation of witnesses and the lodging of productions by the parties;
- (b) specify the last date for lodging witness lists and productions;
- (c) specify the last date for the relevant person to lodge a case and argument.

(6) A case and argument must be lodged by the relevant person and—

- (a) set out, for each ground of opposition to the extradition, a succinct and articulate statement of the facts founded upon and the propositions of law being advanced;
- (b) be accompanied by all authorities, or a copy thereof, listed in the case and argument;
- (c) be signed by counsel or the solicitor instructed to represent the relevant person at the extradition hearing, or by the relevant person where he or she intends to conduct the extradition hearing himself or herself.

(7) The Lord Advocate —

- (a) must, if the sheriff, considering that the circumstances of the case require it, orders him to do so;
- (b) may, if he considers it appropriate to do so,

lodge a case and argument in response to the relevant person’s case and argument.

---

**Status:** This is the original version (as it was originally made).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

---

(8) At the same time as lodging a case and argument, witness lists and productions, the party lodging them shall intimate copies to the other party.

(9) In this rule, “relevant person” means the person to whom the extradition proceedings relate.

(10) Paragraphs (3) and (4) may apply more than once.

(11) The sheriff may vary or dispense with any of the requirements mentioned in or made under this rule.”.