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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 245**

**Act of Adjournal (Criminal Procedure Rules 1996  
Amendment) (No. 4) (Sheriff Appeal Court) 2015**

**Amendment of the Appendix to the Criminal Procedure Rules 1996**

5.—(1) The Appendix to the Criminal Procedure Rules 1996<sup>(1)</sup> is amended in accordance with this paragraph.

(2) In Form A4.1 (form of application to court to excuse procedural irregularities under section 300A of the Criminal Procedure (Scotland) Act 1995)<sup>(2)</sup>, after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”.

(3) In Form 7.9 (form of note of appeal under section 62 or 63 of the Criminal Procedure (Scotland) Act 1995)<sup>(3)</sup>—

(a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, THE LORD JUSTICE CLERK AND THE LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;

(b) in paragraph 2, after “the High Court of Justiciary” insert “[or the Sheriff Appeal Court]”.

(4) In Form 7A.9 (form of appeal against ruling under section 153 of the Criminal Justice and Licensing (Scotland) Act 2010)<sup>(4)</sup>—

(a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;

(b) in paragraph 2, after “the High Court” insert “[or the Sheriff Appeal Court]”.

(5) In Form 17.1 (form of note of appeal against grant or refusal of extension of 40 days period under section 147(3) of the Criminal Procedure (Scotland) Act 1995), for “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” substitute “UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT”.

(6) In Form 18.3C (form of note of appeal under section 156D(1) of the Criminal Procedure (Scotland) Act 1995), for “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” substitute “UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT”.

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(1) The Criminal Procedure Rules 1996 are in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2015/201). The Appendix was last amended by S.S.I. 2015/201.

(2) Form A4.1 was inserted by S.S.I. 2007/511 and amended by S.S.I. 2008/61.

(3) Form 7.9 was inserted by S.S.I. 2007/276.

(4) Form 7A.9 was inserted by S.S.I. 2011/242.

- (7) In Form 19.1–A (form of note of appeal against decision relating to a preliminary plea)(5)—
- (a) for “IN THE HIGH COURT OF JUSTICIARY” substitute “IN THE SHERIFF APPEAL COURT”;
  - (b) for “the High Court of Justiciary” substitute “the Sheriff Appeal Court”;
  - (c) for “the High Court” substitute “the Sheriff Appeal Court”.
- (8) In Form 19.1–B (Form of minute of abandonment of appeal)—
- (a) for “IN THE HIGH COURT OF JUSTICIARY” substitute “IN THE SHERIFF APPEAL COURT”;
  - (b) for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (9) In Form 19.2–A (form of application for stated case)(6), for “the High Court of Justiciary” substitute “the Sheriff Appeal Court”.
- (10) In Form 19.2–B (form of stated case)(7), for “the High Court of Justiciary at Edinburgh” substitute “the Sheriff Appeal Court”.
- (11) In Form 19.2–C (form of minutes of procedure in appeal by stated case)(8), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (12) In Form 19.3–A (form of note of appeal against sentence under section 186(1) of the Criminal Procedure (Scotland) Act 1995)(9), for “the High Court of Justiciary” substitute “the Sheriff Appeal Court”.
- (13) In Form 19.3–B (form of minutes of procedure in note of appeal against sentence alone under section 186(1) of the Criminal Procedure (Scotland) Act 1995), for “Clerk of Justiciary” in each place where it occurs substitute “Clerk of the Sheriff Appeal Court”.
- (14) In Form 19.6 (form of minute abandoning appeal under section 175(8) of the Criminal Procedure (Scotland) Act 1995), for “IN THE HIGH COURT OF JUSTICIARY” substitute “IN THE SHERIFF APPEAL COURT”.
- (15) In Form 19.9 (form of application to High Court of suspension of disqualification from driving)(10)—
- (a) for “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” substitute “UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT”;
  - (b) in paragraph 2, for “High Court of Justiciary” substitute “Sheriff Appeal Court”.
- (16) After Form 19.9, insert Forms 19.11–A and 19.11–B set out in the Schedule to this Act of Adjournal.
- (17) For Form 19.18(11) substitute Form 19.19 set out in the Schedule to this Act of Adjournal.
- (18) After Form 19C.3 (form of notice of objection to risk assessment report under section 210C(7) of the Criminal Procedure (Scotland) Act 1995)(12), insert Forms 19D.4, 19E.1–A, 19E.1–B, 19E.2, 19E.4–A, 19E.4–B and 19E.7 set out in the Schedule to this Act of Adjournal.
- (19) In Form 27A.1 (form of appeal against decision of sheriff on application for an order for recovery of documents under section 301A of the Criminal Procedure (Scotland) Act

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(5) Form 19.1–A was amended by [S.S.I. 2008/61](#).  
(6) Form 19.2–A was last amended by [S.S.I. 2008/61](#).  
(7) Form 19.2–B was amended by [S.S.I. 2008/61](#).  
(8) Form 19.2–C was amended by [S.I. 1997/1834](#).  
(9) Form 19.3–A was last amended by [S.S.I. 2008/61](#).  
(10) Form 19.9 was amended by [S.S.I. 2008/61](#).  
(11) Form 19.18 was inserted by [S.S.I. 2003/387](#).  
(12) Form 19C.3 was inserted by [S.S.I. 2006/302](#).

1995), after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”.

(20) For Form 31.5 (form of reference to the European Court)(**13**) substitute Form 31.5 set out in the Schedule to this Act of Adjournal.

(21) In Form 31.7 (form of appeal to High Court from the making of a reference to the European Court of Justice)(**14**), in paragraph 1 for “[or the sheriff [or justice of the peace] court at (*place*)]” substitute “[or the Sheriff Appeal Court [or the sheriff [or justice of the peace] court at (*place*)]”.

(22) In paragraph 1 of Form 37.5 (form of note of appeal under section 27 of the Proceeds of Crime (Scotland) Act 1995)(**15**), after “High Court of Justiciary” insert “[or the Sheriff Appeal Court]”.

(23) In Form 38 (form of application to High Court for transfer of rights of appeal of deceased person)(**16**)—

- (a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK and LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;
- (b) in paragraph 4, after “the Crown Agent” insert “[or the prosecutor]”;
- (c) the title of the Form becomes “Form of application for transfer of rights of appeal of deceased person”.

(24) In Form 51.4 (form of appeal under section 28E(11) of the Animal Health Act 1981, section 43(2) of the Animal Health and Welfare (Scotland) Act 2006 or section 49(2) of the Animal Welfare Act 2006)(**17**), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court [or Clerk of Justiciary]”.

(25) In Form 56.3 (form of representations about a proposed order restricting the reporting of proceedings)(**18**)—

- (a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;
- (b) in paragraph 1, after “the High Court” insert “[or Sheriff Appeal Court]”.

(26) In Form 56.5 (form of application for variation or revocation of an order restricting the reporting of proceedings)(**19**)—

- (a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;
- (b) in paragraph 1, after “the High Court” insert “[or Sheriff Appeal Court]”.

(27) In Form 58.2 (form of application for discharge of disqualification under section 11(3) of the Control of Dogs (Scotland) Act 2010)(**20**)—

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(13) Form 31.5 was substituted by S.I. 1999/1282 and last amended by S.I. 2011/1043.

(14) Form 31.7 was amended by S.S.I. 2008/61.

(15) Form 37.5 was inserted by S.I. 1997/2653.

(16) Form 38 was inserted by S.I. 1997/1834.

(17) Form 51.4 was inserted by S.S.I. 2007/238 and amended by S.S.I. 2008/61.

(18) Form 56.3 was substituted by S.S.I. 2015/84.

(19) Form 56.5 was inserted by S.S.I. 2015/84.

(20) Form 58.2 was inserted by S.S.I. 2011/194

- (a) omit “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY”;
  - (b) for “[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” substitute “UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)”;
  - (c) in paragraph 1, for “the High Court [or Sheriff] [or Justices]” substitute “the Sheriff [or Justices]”;
  - (d) for “LORDSHIP[S]” substitute “LORDSHIP”.
- (28) In Form 58.3 (form of appeal under section 11(4) of the Control of Dogs (Scotland) Act 2010)(**21**)—
- (a) for “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” substitute “UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT”;
  - (b) in paragraph 1, for “the High Court [or Sheriff] [or Justices]” substitute “the Sheriff [or Justices]”.