

SCHEDULE

Paragraph 5(16), (17), (18) and (20)

Form 19.11–A

Rule 19.11(2)

Form of entering appearance in Sheriff Appeal Court

IN THE SHERIFF APPEAL COURT

in

APPEAL

by

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

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

The appellant is represented by:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)

*[The appellant's solicitor has appointed an Edinburgh solicitor to act as solicitor for the appellant:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)]

*[*or* The appellant is not represented by a solicitor and intends to conduct the appeal in person.]

**delete as appropriate*

(*signed*)

Appellant [*or* Solicitor for Appellant]

Status: This is the original version (as it was originally made).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

Form 19.11-B

Rule 19.11(4)

Form of change of representation in Sheriff Appeal Court

IN THE SHERIFF APPEAL COURT

in

APPEAL

by

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

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

There has been a change of representation for the appellant.

The appellant is now represented by:

(name of solicitor)

(address of solicitor)

(telephone number and email address of solicitor)

*[The appellant's solicitor has appointed an Edinburgh solicitor to act as solicitor for the appellant:

(name of solicitor)

(address of solicitor)

(telephone number and email address of solicitor)]

*[*or* The appellant has dismissed the appellant's solicitor and intends to conduct the appeal in person.]

**delete as appropriate*

(signed)

Appellant [*or* Solicitor for Appellant]

Form 19.19

Rule 19.19(3)(a)

Form of case and argument for presentation of summary sentence appeal in writing

APPEAL: **-v- PF** (*specify place*)

CASE REF:

Provide the following details

1. The specification of the place and date of conviction and of the charges of which the appellant was convicted, subject to any amendments and deletions:
2. The sentence or sentences imposed:
3. The grounds of appeal that have passed the sift:
4. An articulate statement of reasons in support of each ground of appeal:
5. A list of authorities relied upon, if any:
6. A schedule of the documents founded upon, if any:

*Delete as appropriate

(*signed*)

[Solicitor or counsel for appellant]

(*address and telephone number of solicitor or counsel*)

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Form 19D.4

Rule 19D.4(4)

Form of reference to High Court of Justiciary for opinion on point of law

IN THE SHERIFF APPEAL COURT

REFERENCE

for the Opinion of the High Court of Justiciary at Edinburgh on a point of law

in

APPEAL

by

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

[*or* The Procurator Fiscal at (*place*)]

APPELLANT

against

[C.D.] (*address or as the case may be*)

RESPONDENT

1. The appellant [*or* respondent] was charged with (*here summarise the relevant charge*).
2. (*Here state concisely the relevant procedure history of the proceedings at first instance*).
3. (*Here state the decision and disposal*).
4. The appellant appealed to the Sheriff Appeal Court against that decision under (*here specify the provision of the Criminal Procedure (Scotland) Act 1995 under which the appeal was made, and the nature of the appeal*).
5. The Sheriff Appeal Court, on the application of the appellant [*or* respondent] [*or* of its own initiative], considers that the following point[s] of law arise[s]—

(*Here state in numbered paragraphs the point(s) of law that arise(s)*.)
6. The Sheriff Appeal Court considers that [*or* those] point[s] of law to be novel or complex for the following reasons—

(*Here state in numbered paragraphs the reasoning of the Sheriff Appeal Court for that view*.)

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7. The Sheriff Appeal Court accordingly refers the point[s] of law to the High Court for its opinion in accordance with section 175A(1) of the Criminal Procedure (Scotland) Act 1995.

(Signature of the Appeal Sheriff(s))

(Name of Appeal Sheriff(s))

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Form 19E.1–A

Rule 19E.1(1)

Form of notice of appeal to High Court of Justiciary under section 194ZB(1) of the Criminal Procedure (Scotland) Act 1995

IN THE SHERIFF APPEAL COURT

NOTE OF APPEAL

by

[A.B.] (*address*)

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

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

1. The appellant appeals to the High Court of Justiciary against the decision of the Sheriff Appeal Court (*here specify the nature of the decision*) made on (*date*).

GROUND(S) OF APPEAL

2. (*here set out the ground(s) in numbered paragraphs*).

PERMISSION TO APPEAL

3. The appellant satisfies section 194ZB(3)(a) of the Criminal Procedure (Scotland) Act 1995. (*State briefly (in numbered paragraphs) why the appeal would raise an important point of principle or practice.*) [*or*
3. The appellant satisfies section 194ZB(3)(b) of the Criminal Procedure (Scotland) Act 1995. (*State briefly (in numbered paragraphs) why there is some other compelling reason for the High Court to hear the appeal.*)]

[ANCILLARY APPLICATIONS]

4. The appellant also craves the court to (*here insert any application for bail or for any other interim order under section 177(1) as applied by section 194ZI(1) of the Criminal Procedure (Scotland) Act 1995.*)

(Signed)

[Solicitor for appellant]

(Address and telephone number of solicitor)

(Place and date)

Form 19E.1–B

Rule 19E.1(2)

Form of minute of procedure in note of appeal under section 194ZB(1) of the Criminal Procedure (Scotland) Act 1995

<i>(Date)</i>	Note of appeal lodged.	Clerk of Court
<i>Eo die</i>	Copy note of appeal sent to respondent. [or respondent's solicitor]	Clerk of Court
<i>[Eo die</i>	Copies of note of appeal, complaint, minutes of proceedings and relevant documents sent to <i>(name(s) of Appeal Sheriff(s))</i> if judgment of the Sheriff Appeal Court not yet available.	Clerk of Court]
	Proceedings to be sent to Clerk of Justiciary no later than <i>(date)</i> .	
<i>[(Date)</i>	<i>(Name of Appeal Sheriff(s))</i> the court refused bail [or granted bail] conform to separate order attached.	Clerk of Court]
<i>[(Date)</i>	<i>(Name of Appeal Sheriff(s))</i> the court refused to suspend [or <i>ad interim</i> suspended] the order for disqualification in terms of section 41(2) of the Road Traffic Offenders Act 1988.	Clerk of Court]
<i>[(Date)</i>	Judgment of Sheriff Appeal Court received.	Clerk of Court]
<i>[(Date)</i>	Copy of judgment sent to [A.B.] and the Procurator Fiscal.	Clerk of Court]
<i>Eo die</i>	Note of appeal, together with documents specified in rule 19E.3(1), sent to Clerk of Justiciary.	Clerk of Court

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Form 19E.2

Rule 19E.2(4)

Form of extension of time by President of the Sheriff Appeal Court

IN THE SHERIFF APPEAL COURT

[A.B.] v Procurator Fiscal

(Place and date)

I, *(name)*, President of the Sheriff Appeal Court, by virtue of the powers conferred on me by rule 19E.2(4) of the Act of Adjournal (Criminal Procedure Rules) 1996, extend the period specified in rule 19E.2(3) so that it will now expire on *(date)*, in respect that—

(here specify brief reasons for the extension)

(Signed)

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Form 19E.4–A

Rule 19E.4(2)

Form of entering appearance in appeals from Sheriff Appeal Court

IN THE HIGH COURT OF JUSTICIARY

in

APPEAL

by

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

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

The appellant is represented by:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)

*[The appellant's solicitor has appointed an Edinburgh solicitor to act as solicitor for the appellant:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)]

*[*or* The appellant is not represented by a solicitor and intends to conduct the appeal in person.]

**delete as appropriate*

(*signed*)

Appellant [*or* Solicitor for Appellant]

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Form 19E.4–B

Rule 19E.4(4)

Form of change of representation in appeals from Sheriff Appeal Court

IN THE HIGH COURT OF JUSTICIARY

in

APPEAL

by

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

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

There has been a change of representation for the appellant.

The appellant is now represented by:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)

*[The appellant’s solicitor has appointed an Edinburgh solicitor to act as solicitor for the appellant:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)]

*[*or* The appellant has dismissed the appellant’s solicitor and intends to conduct the appeal in person.]

**delete as appropriate*

(*signed*)

Appellant [*or* Solicitor for Appellant]

Form 19E.7

Rule 19E.7

Form of minute abandoning appeal under section 194ZB(1) of the Criminal Procedure (Scotland) Act 1995

IN THE HIGH COURT OF JUSTICIARY

MINUTE OF ABANDONMENT

in the

APPEAL

under section 194ZB(1) of the Criminal Procedure (Scotland) Act 1995

by

[A.B.] (*address*)

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

APPELLANT

against

[*The Procurator Fiscal (or as the case may be)*]

RESPONDENT

The appellant abandons his [*or her or its*] appeal to the High Court of Justiciary as from this date.

Intimation of the foregoing abandonment has been made to the respondent.

(*Signed*)

[*Solicitor for appellant*]

(*Address and telephone number of solicitor*)

(*Place and date*)

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Form 31.5

Rule 31.5(2)(a)

Form of reference to the European Court

THE HIGH COURT OF JUSTICIARY

[or THE SHERIFF APPEAL COURT]

[or THE SHERIFF [or JUSTICE OF THE PEACE] COURT]

IN SCOTLAND

HER MAJESTY'S ADVOCATE [or THE PROCURATOR FISCAL]

against

[C.D.] (address)

[or Prisoner in the Prison of (place)]

[Here set out a clear and succinct statement of the case giving rise to the request for the ruling of the European Court in order to enable the European Court to consider and understand the issues of EU law raised and to enable governments of Member States and other interested parties to submit observations.]

The statement of the case should include:

- (a) particulars of the parties;*
- (b) the history of the dispute between the parties;*
- (c) the history of the proceedings;*
- (d) the relevant facts as agreed by the parties or found by the court or, failing such agreement or finding, the contentions of the parties on such facts;*
- (e) the nature of the issues of law and fact between the parties;*
- (f) the Scots law, so far as is relevant;*
- (g) the Treaty provisions or other acts, instruments or rules of EU law concerned; and*
- (h) an explanation of why the reference is being made.]*

The preliminary ruling of the Court of Justice of the European Union is accordingly requested on the following questions:

[Here set out the questions on which the ruling is sought, identifying the Treaty provisions or other acts, instruments or rules of EU law concerned.]

(date)