

SCHEDULE 1

Paragraph 4(a)

Form 34.3–A

Rule 34.3(1)(a)

Form of note of appeal to High Court of Justiciary under section 26 of the Extradition Act 2003

IN THE HIGH COURT OF JUSTICIARY

NOTE OF APPEAL

under section 26 of the Extradition Act 2003

By

[A.B.] (*address*)

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

APPELLANT

1. The appellant was arrested at (*place*) on (*date*) under section 5 of the Extradition Act 2003 [*or under a warrant issued under Part 1 of the Extradition Act 2003*].
2. On (*date*) the sheriff of Lothian and Borders at (*place*) ordered the appellant's extradition to (*country*) being a category 1 territory within the meaning of section 1 of the Extradition Act 2003.
3. The appellant appeals to the High Court of Justiciary against the decision of the sheriff.

GROUNDS OF APPEAL

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

LEAVE TO APPEAL

5. (*set out in numbered paragraphs the grounds on which it is submitted leave to appeal should be granted*).

(Signed)

[A.B], Appellant

[*or* [X.Y.], Appellant's legal representative]

(*Address and telephone number*)

(*Email address*)

Status: This is the original version (as it was originally made).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

Form 34.3–B

Rule 34.3(1)(b)

Form of note of appeal under section 28 of the Extradition Act 2003

IN THE HIGH COURT OF JUSTICIARY

NOTE OF APPEAL

under section 28 of the Extradition Act 2003

by

HER MAJESTY’S ADVOCATE

on behalf of (*authority which issued the warrant under Part 1 of the Act of 2003*)

1. [A.B.] (*address*) (“the arrested person”) was arrested at (*place*) on (*date*) under section 5 of the Extradition Act 2003 [*or under Part 1 warrant within the meaning of section 2 of the Extradition Act 2003*].
2. On (*date*) the sheriff of Lothian and Borders at (*place*) ordered the discharge of the arrested person.
3. Her Majesty’s Advocate appeals to the High Court of Justiciary under section 28(1) of the Extradition Act 2003 on the grounds set out in the following paragraphs.

GROUNDS OF APPEAL

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

LEAVE TO APPEAL

5. (*set out in numbered paragraphs the grounds on which it is submitted leave to appeal should be granted*).

(Signed)

On behalf of Her Majesty’s Advocate

(*Address and telephone number*)

(*Email address*)

Form 34.3–C

Rule 34.3(1)(c)

Form of note of appeal under section 103 or 108 of the Extradition Act 2003

IN THE HIGH COURT OF JUSTICIARY

NOTE OF APPEAL

under section 103 [or 108] of the Extradition Act 2003

by

[A.B.] (*address*)

APPELLANT

1. [A.B.] (*address*) was arrested at (*place*) on (*date*) under a warrant issued by the sheriff of Lothian and Borders under section 71(2) of the Extradition Act 2003 [or under a provisional warrant issued by the sheriff of (*name of sheriffdom*) under section 73 of the Extradition Act 2003].
2. On (*date*) the sheriff of Lothian and Borders at (*place*) sent the appellant's case to the Scottish Ministers for their decision whether the appellant was to be extradited. [On (*date*) the Scottish Ministers ordered the extradition of the appellant].
3. The appellant appeals to the High Court of Justiciary under section 103(1) [or 108(1)] of the Extradition Act 2003 on the grounds set out in the following paragraphs.

GROUNDS OF APPEAL

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

LEAVE TO APPEAL

5. (*here set out in numbered paragraphs the grounds on which it is submitted leave to appeal should be granted*).

(Signed)

[A.B], Appellant

[or [X.Y.], Appellant's legal representative]

(*Address and telephone number*)

(*Email address*)

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

Form 34.3–D

Rule 34.3(1)(d)

Form of note of appeal under section 105 or 110 of the Extradition Act 2003

IN THE HIGH COURT OF JUSTICIARY

NOTE OF APPEAL

under section 105 [or 110] of the Extradition Act 2003

by

HER MAJESTY’S ADVOCATE

on behalf of (*specify category 2 territory*)

1. [A.B.] (*address*) (“the arrested person”) was arrested at (*place*) on (*date*) under a warrant issued by the sheriff of Lothian and Borders under section 71(2) of the Extradition Act 2003 [or under a provisional warrant issued by the sheriff of (*name of sheriffdom*) under section 73(3) of the Extradition Act 2003].
2. On (*date*) the sheriff of Lothian and Borders at (*place*) ordered the discharge of the arrested person. [or On (*date*) the sheriff of Lothian and Borders sent the arrested person’s case to the Scottish Ministers for their decision whether the arrested person was to be extradited. On (*date*) the Scottish Ministers ordered the discharge of the arrested person].
3. Her Majesty’s Advocate appeals on behalf of (*specify category 2 territory*) to the High Court of Justiciary under section 105(1) [or 110(1)] of the Extradition Act 2003 on the grounds set out in the following paragraphs.

GROUNDS OF APPEAL

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

LEAVE TO APPEAL

5. (*set out in numbered paragraphs the grounds on which it is submitted leave to appeal should be granted*).

(Signed)

On behalf of Her Majesty’s Advocate

(*Address and telephone number*)

(*Email address*)

SCHEDULE 2

Paragraph 4(b)

Form 37AA.2B–A

Rule 37AA.2B(1)

Form of application for compliance order

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

[or UNTO THE HONOURABLE THE SHERIFF OF *(name of sheriffdom)*]

AT *(place)*]

APPLICATION

by

HER MAJESTY'S ADVOCATE [or THE PROCURATOR FISCAL, *(place)*]

APPLICANT

for

COMPLIANCE ORDER

under section 97B of the Proceeds of Crime Act 2002

HUMBLY SHEWETH:

1. That a confiscation order was made on *(date)* in the High Court of Justiciary [or in the Sheriff Court at *(place)*] against *(name of accused)*.
2. That the court did not make a compliance order when it made the confiscation order. [The court gave the following reasons for not making a compliance order:
(specify reasons (if any))]
3. That the applicant considers that the confiscation order has not been effective for the following reasons:
(specify why the prosecutor considers that the confiscation order has not been effective, including details of the known assets of the accused and the extent of payments (if any) towards the confiscation order)
4. That the applicant therefore seeks a compliance order against *(name of accused)*.
5. That the terms of the proposed compliance order sought are set out in the attached schedule.

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MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) to order intimation of this application to be made to *(name of accused)*;
- (2) to appoint a hearing on the application on the earliest practicable date;
- (3) thereafter to make a compliance order in the terms set out in the schedule; or
- (4) to do otherwise as to your Lordship(s) seems appropriate.

ACCORDING TO JUSTICE, etc.

(signed)

Prosecutor

SCHEDULE

(set out terms of order sought)

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

Form 37AA.2B–B

Rule 37AA.2B(3)

Form of compliance order

COMPLIANCE ORDER

under section 97B of the Proceeds of Crime Act 2002

Court:

Date:

Offender:

Address:

Date of birth:

THE COURT, being satisfied that it is appropriate to make a compliance order for the purpose of ensuring that the confiscation order dated *(date)* is effective,

[or (where the compliance order is made following an application by the prosecutor)

THE COURT, having considered the application made by the prosecutor for a compliance order in relation to a confiscation order dated *(date)*,

AND being satisfied that it is appropriate to make a compliance order for the purpose of ensuring that the confiscation order is effective,]

ORDERS that *(set out details of the order)*.

(Signed)

Clerk of Court

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

Form 37AA.2C–A

Rule 37AA.2C(1)

Form of application for discharge or variation of compliance order

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

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

AT (*place*)]

APPLICATION

by

HER MAJESTY'S ADVOCATE [or THE PROCURATOR FISCAL, (*place*)]

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

APPLICANT

for

DISCHARGE [or VARIATION] OF COMPLIANCE ORDER

under section 97B(5) of the Proceeds of Crime Act 2002

HUMBLY SHEWETH:

1. That a compliance order was made on (*date*) in the High Court of Justiciary [or in the sheriff court at (*place*)] against (*name of accused*).
2. That the applicant seeks to discharge [or vary] the compliance order for the following reasons:[*here insert reasons*];
(*specify reasons*)
- [3. (*where the application is for variation*) That the terms of the varied compliance order sought are set out in the attached schedule].

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) to appoint intimation of this application to be made to (*name of accused*) [or the prosecutor];
- (2) to appoint a hearing on the application on the earliest practicable date;

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- (3) thereafter to discharge [or vary] the compliance order; or
- (4) to do otherwise as to your Lordship(s) seems appropriate.

ACCORDING TO JUSTICE, etc.

(signed)

Prosecutor

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

(name, address, email address and telephone number)

SCHEDULE

(set out terms of varied order sought)

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

Form 37AA.2C-B

Rule 37AA.2C(3)

Form of discharge or variation of compliance order under section 97B of the Proceeds of Crime Act 2002

DISCHARGE [*or* VARIATION] OF COMPLIANCE ORDER

under section 97B of the Proceeds of Crime Act 2002

Court:

Date:

Offender:

Address:

Date of birth:

THE COURT, having considered the application to discharge [*or vary*] the compliance order dated (*date*) made by the prosecutor [*or the accused*],

AND being satisfied that it is appropriate to do so,

DISCHARGES the compliance order.

[*or VARIES* the compliance order to the effect that (*set out details of variation*).]

(*Signed*)

Clerk of Court

Form 37AA.2C–C

Rule 37AA.2C(4)

Form of appeal against discharge or variation of compliance order

IN THE HIGH COURT OF JUSTICIARY [*or* THE SHERIFF APPEAL COURT]

NOTE OF APPEAL

under section 97D of the Proceeds of Crime Act 2002

by

HER MAJESTY’S ADVOCATE [*or* THE PROCURATOR FISCAL, (*place*)]

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

APPELLANT

against a decision to discharge [*or* refuse to discharge] a compliance order

[*or* against a decision to vary [*or* refuse to vary] a compliance order]

1. The appellant appeals to the High Court of Justiciary [*or* the Sheriff Appeal Court] against the decision to discharge [*or* refuse to discharge] [*or* to vary] [*or* refuse to vary] a compliance order made on (*date*).

GROUND(S) OF APPEAL

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

(*signed*)

Prosecutor

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

(*name, address, email address and telephone number*)

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

Form 37AA.2D–A

Rule 37AA.2D(2)

Form of notification to court about breach of compliance order

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

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

AT (*place*)]

REPORT

by

HER MAJESTY'S ADVOCATE [or THE PROCURATOR FISCAL, (*place*)]

Name of accused:

Date of birth:

Address:

1. A compliance order was made on (*date*) in the High Court of Justiciary [or in the sheriff court at (*place*)] against (*name of accused*).
2. The compliance order was varied on (*date*) by the High Court of Justiciary [or by the sheriff at (*place*)].
3. The terms of the [varied] compliance order are set out in the attached schedule.
4. It appears to the prosecutor that the accused has failed to comply with the [varied] compliance order for the following reasons:

(*specify reasons*)

(*signed*)

Prosecutor

SCHEDULE

(*set out terms of [varied] compliance order*)

Form 37AA.2D-B

Rule 37AA.2D(3)

Form of citation under section 97C(2)(b) of the Proceeds of Crime Act 2002

IN THE HIGH COURT OF JUSTICIARY [*or* SHERIFF COURT AT [*place*]]

CITATION

To: (*name and address of offender*)

Date of citation: (*date*)

YOU ARE HEREBY CITED to appear on (*date*) at (*time*) in the High Court of Justiciary [*or* the sheriff court] at (*address*) because it has been reported to the court that you have failed to comply with a requirement of the compliance order made in respect of you on (*date*).

A copy of the report setting out the details of your alleged failure to comply with the compliance order is attached to this citation.

When you appear before the court, you are entitled to be legally represented.

You do not need to give an answer to the attached allegation before you:

- (i) have had an opportunity to take legal advice; or
- (ii) indicate that you do not wish to take legal advice.

IF YOU DO NOT ATTEND COURT WITHOUT A LAWFUL EXCUSE THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

(*Signed*)

Clerk of Court

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Form 37AA.2D–C

Rule 37AA.2D(4)

Form of revocation or variation of compliance order under section 97C of the Proceeds of Crime Act 2002

REVOCATION [*or* VARIATION] OF COMPLIANCE ORDER

under section 97C of the Proceeds of Crime Act 2002

Court:

Date:

Offender:

Address:

Date of birth:

THE COURT, having considered the report made by the prosecutor alleging that the accused has failed to comply with the requirements of the compliance order dated (*date*),

(*where section 97C(6) applies*)

AND being satisfied that the accused has failed without reasonable excuse to comply with the compliance order,

IMPOSES on the accused a fine of (*specify sum*) [*and VARIES the compliance order to the effect that (set out details of variation)*].

[*or* REVOKES the compliance order and sentences the accused to be imprisoned for a period of (*specify period*) and thereafter set at liberty.]

[*or* VARIES the compliance order to the effect that (*set out details of variation*).]

(*where section 97C(7) applies*)

BEING SATISFIED that the accused has failed to comply with the compliance order,

AND being satisfied that the accused had a reasonable excuse for the failure,

AND being satisfied that it is in the interests of justice to vary the compliance order, having regard to the circumstances which have arisen since the order was imposed,

VARIES the compliance order to the effect that (*set out details of variation*).

(*Signed*)

Clerk of Court