

## SCHEDULES

### SECOND SCHEDULE

#### FORMS OF PROCEDURE

#### PART V

##### MINUTES OF PROCEDURE, &C

Edinburgh, 9th January 19 .—G.N., judge.

Compared the accused and, in answer to the complaint, pled guilty.

Sentence: Twenty-one days' imprisonment.

Sentence.

Compared the accused and, in answer to the complaint, A.B. pled guilty and C.D. pled guilty to the third charge.

Where different pleas tendered.

Sentence: A.B. Twenty-one days' imprisonment, C.D. seven days' imprisonment.

Sentence where more than one accused and different pleas.

Compared the accused, and, in answer to the complaint, pled guilty (or state to what extent plea tendered), and was sentenced to days' imprisonment (or was fined £ and in default of payment days' imprisonment) (or as the case may be).

Plea and sentence combined.

Compared the accused, who, in answer to the complaint, pled not guilty.

Plea of not guilty.

The court adjourned the diet to 11th January 19 at 10 a.m., and ordained the accused then to appear. Adjournment.

Or,

The court adjourned the diet to 11th January 19 at 10 a.m., and ordered the accused to be imprisoned until that date or until security for £ be found for his appearance at all diets of court.

Or,

The court adjourned the diet to 11th January 19 at 10 a.m., and ordered the accused to appear personally at that diet under a penalty of £ in default.

Edinburgh, 11th January 19 .—G.N., judge.

Trial

Compared the accused (or the accused failed to appear after being duly cited or after receiving due intimation of this diet).

The court found the accused guilty as libelled (or as first (or last) alternately libelled, or state to what extent found guilty) (or not guilty), (or found the charge not proven), (or found A.B. guilty as libelled and C.D. guilty as second libelled (or, as the case may be)).

days' imprisonment.

Sentence.  
Imprisonment.

Or,

Fined £ , (or £ each), and in default of payment days' imprisonment (or days' imprisonment each).  
Fined £ (including £ expenses), and in default of payment days' imprisonment.

Or,

Fined £ , and in default of payment within days Time allowed.  
from this date, day's imprisonment.

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*Or,*

Cautions. To find £                      caution for good behaviour for  
months, and in default                      days' imprisonment.

*Or,*

Fine and                      Fined £                      , and in default of payment,                      days'  
caution.                      imprisonment and to find £                      caution for good behaviour  
for                      months, and in default                      days' imprisonment  
further.

Imprisonment                      To be imprisoned for                      days from this date and to find  
and caution.                      caution for £                      for good behaviour for                      months  
thereafter, and in default                      days' imprisonment further.

Fine imposed                      The court found the accused A.B. guilty as libelled and fined him  
on Parent in lieu                      £1. and, in respect the said C.D. has conducted to the commission  
of Child.                      of the said offence by habitually neglecting to exercise due care  
of the said A.B., ordered the fine to be paid by the said C.D., and in  
default of payment sentenced the said C.D. to                      days'  
imprisonment.

Sentence                      Sentence deferred till                      . 19                      , when accused  
deferred.                      ordained to appear.

Admonition.                      Admonished and dismissed.

Desertion of                      The court, on the motion of the prosecutor, deserted the diet *pro*  
diet.                      *loco et tempore*.

*Where there are several accused and different sentences pronounced  
on each, the sentence applicable to each may be minuted under the  
appropriate form.*

#### *Bail Bond*

I, C.D., do hereby judicially enact and bind and oblige myself  
as cautioner and surety that A.B. shall appear personally in the  
Sheriff Court, Edinburgh, on 16th January, 19                      , at 10 a.m. and  
at any other diet to which the cause may be adjourned, to answer  
to a complaint at the instance of the Procurator Fiscal of Court,  
charging him with the crime of assault, and that under a penalty  
of £                      to be paid by me in case of failure, and to be recovered  
in the manner prescribed by the Summary Jurisdiction (Scotland)  
Act, 1954.

In witness whereof, &c.

C.D.

E.F., Witness.

G.H., Witness.

Forfeiture of                      The court, in respect of the failure of the accused to attend this  
bail consigned.                      diet, on the motion of the prosecutor declares the bail of £                      (*or*  
a pledge, viz.,                      ) deposited as security for his appearance to  
be forfeited and also grants warrant for his apprehension.

Forfeiture of                      The court, in respect of the failure of the accused to attend this  
bail bond.                      diet, on the motion of the prosecutor declares a bond of caution  
granted for his appearance under a penalty of £                      to be forfeited ;

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further, ordains C.D., cautioner in the said bond, to be charged to make payment to the clerk of court of the said sum within six days after such charge, and in default of payment to be imprisoned for days from the date of his incarceration unless payment of the said penalty be sooner made, but reserving to the said C.D. within the said six days to make application to the court for an extension of time for payment of the said sum if so advised, and grants warrant for the apprehension of the said A.B.

To C.D., I, officer of law, Edinburgh, hereby charge you to make payment of the sum of £ , being the penalty contained in bond of caution by you for A.B., which bond has been declared forfeited in respect of his non-appearance to answer to the complaint against him as provided for in the said bond, the said sum to be paid by you to the clerk of court, Sheriff Court, Edinburgh, within six days after the date of this my charge, under pain of imprisonment for the period of days from the date of incarceration unless the said sum be sooner paid.

Charge to  
cautioner.

This charge served by me on 21st January 19 .

E.F., Police Constable.

If you desire to obtain an extension of time for payment application therefor to the Court must be made within six days from this date.

*Forms similar to those applicable to the finding and forfeiture of bail may, with the necessary variations, be used for the finding and forfeiture of caution for good behaviour.*

*Extract*

Under the Summary Jurisdiction (Scotland) Act, 1954

In the Court of at .

Name of accused .

Date of conviction .

Offence of which convicted .

Sentence. Imprisonment days. Imprisonment

In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the prison of [place] and for the detention of the accused therein for days from the date of imprisonment.

W.G., Clerk of Court.

Sentence, £ fine or days' imprisonment. In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the prison of [place] and for the detention of the accused therein until the said fine is paid, but not exceeding days from the date of imprisonment. Fine or imprisonment (Immediate).

Sentence, £ fine (payable within days) or days' imprisonment. Fine or imprisonment (Time allowed).

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In respect of which sentence, the period allowed for payment of the said fine having expired and the said fine not having been paid, warrant is hereby granted to officers of law to convey the accused to the prison of [place] and for the detention of the accused therein until the fine is paid, but not exceeding days from the date of imprisonment.

**Caution.** Sentence, £ caution for good behaviour for six months (from date of conviction) or days' imprisonment.

In respect of which sentence-warrant is hereby granted to officers of law to convey the accused to the prison of [place] and for the detention of the accused therein until the said caution is found, but not exceeding days from the date of imprisonment.

**Fine and caution.** Sentence, £ fine or days' imprisonment and

£ caution for good behaviour for months (from payment of the fine or from the expiry of the period of imprisonment for non-payment) or days' imprisonment further.

In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the prison of [place] and for the detention of the accused therein until the said fine is paid and the said caution is found, the detention for non-payment of the said fine not exceeding days from the date of imprisonment, and the detention for failure to find the said caution not exceeding days further from payment of the fine or from expiry of the term of imprisonment for non-payment thereof.

**Imprisonment and caution.** Sentence. Imprisonment days and £ caution for good behaviour for months thereafter, or days' imprisonment.

In respect of which sentence warrant is hereby granted to officers of law to convey the accused to the the prison of [place] and for the detention of the accused therein for days from the date of imprisonment and for his further detention thereafter until the said caution is found, but not exceeding days further.

Sentence £, fine payable within days or days' imprisonment. In respect of which sentence the accused, having surrendered himself to the court and stated that he prefers immediate imprisonment to waiting the expiration of the time allowed, warrant is hereby granted to officers of law to convey the accused to the prison of [place] and for the detention of the accused therein until such fine is paid, but not exceeding days from the date of imprisonment.

*The necessary variations to meet different sentences will be made on this extract. An extract in this form shall be applicable either to sentence on a plea of guilty or on conviction. Where an extract is required for production as evidence of previous conviction, any particulars as to prior convictions may be set forth in a schedule annexed to the extract.*