

Status: This is the original version (as it was originally made).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

SCHEDULE 1

PART I

FORMS REFERRED TO IN CHAPTER I (SOLEMN PROCEDURE)
FORM 1 PETITION TO TAKE PRECOGNITION ON OATH IN SOLEMN PROCEDURE WHERE
INDICTMENT SERVED

Rule 5

Under the Criminal Justice (Scotland) Act 1980

UNTO THE HONOURABLE THE SHERIFF OF.....

AT

PETITION
of
A.B.
designation, address or Prisoner in
the Prison of.....

HUMBLY SHEWETH:

- (1) That the petitioner has (along with C.D., E.F. and G.H.) been indicted in your Lordship's Court/in the High Court of Justiciary at the instance of X.Y., Her Majesty's Advocate with the offence of
- (2) That the trial of the said A.B. is to take place in your Lordship's Court/in the High Court of Justiciary sitting at on
- (3) That the petitioner believes that M.N. residing at is a witness in relation to the said offence:/That M.N. residing at is witness no. on the List of Witnesses attached to the Indictment;
- (4) That *(narrate all steps taken to obtain precognition from the witness and/or the circumstances justifying the taking of the precognition on oath)*;
- (5) That I am unable to complete my investigation on behalf of the petitioner without precognoscing the said M.N.:

MAY IT THEREFORE please your Lordship:

- (1) to appoint intimation of this petition to be made to the said X.Y.;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, on being satisfied in terms of section 9 of the said Act that it is reasonable to require such precognition on oath, to grant warrant to cite the said M.N. to attend for precognition on oath before your Lordship on the earliest practicable date thereafter or to do otherwise as to your Lordship shall seem proper.

IN RESPECT WHEREOF

FORM 2 PETITION TO TAKE PRECOGNITION ON OATH IN SOLEMN PROCEEDINGS
PRIOR TO SERVICE OF INDICTMENT

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Rule 5

Under the Criminal Justice (Scotland) Act 1980

UNTO THE HONOURABLE THE SHERIFF OF
AT

PETITION
of
A.B.
designation, address or Prisoner in
the Prison of.....

HUMBLY SHEWETH:

- (1) That the petitioner has (along with C.D., E.F. and G.H.) been charged in your Lordship's Court at on a summary complaint/petition at the instance of the Procurator Fiscal with the offence of
- [(2) That the trial of the said A.B. is to take place in the said Court on..... ;]
- (3) That the petitioner believes that M.N. residing at is a witness in relation to the said offence;
- (4) That (narrate all steps taken to obtain precognition from the witness and/or the circumstances justifying the taking of the precognition on oath);
- (5) That I am unable to complete my investigation on behalf of the petitioner without precognoscing the said M.N.:

MAY IT THEREFORE please your Lordship:

- (1) to appoint intimation of this Petition to be made to the Procurator Fiscal;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, on being satisfied in terms of section 9 of the said Act that it is reasonable to require such precognition on oath, to grant warrant to cite the said M.N. to attend for precognition on oath before your Lordship on the earliest practicable date thereafter or to do otherwise as to your Lordship shall seem proper.

IN RESPECT WHEREOF

Solicitor for the said petitioner

FORM 3 WARRANT TO CITE

Rule 10

Under the Criminal Procedure (Scotland) Act 1975

WARRANT FOR CITATION OF PERSONS ACCUSED, WITNESSES AND JURORS

Whereas the High Court of Justiciary/Sheriff of (place) is to hold a sitting for the trial of persons accused on indictment at (place) on (date) with continuation of days, warrant is hereby granted to all officers competent to cite all persons accused to the said sitting, and to cite to the said sitting witnesses both for the prosecutor and persons accused, and to cite jurors.

Clerk of Justiciary/
Sheriff Clerk

(Place and date)

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FORM 4 EXECUTION OF SERVICE OF INDICTMENT AND OF CITATION OF ACCUSED

Rule 10

Under the Criminal Procedure (Scotland) Act 1975

I, (name and designation) on (date) duly served on (name and designation of accused) the indictment against him, with a notice of comparance thereto attached for the said diet in the High/Sheriff Court at (place) on (date).

This I did by [here state method of service].

(Signature of Officer of Law effecting service)

(Signature of witness to service) Witness

FORM 5 NOTICE TO ACCUSED TO APPEAR

Rule 10

Under the Criminal Procedure (Scotland) Act 1975

NOTICE TO ACCUSED IN TERMS OF SECTION 75

TO (name and designation of accused) TAKE NOTICE THAT YOU MUST APPEAR at (place) High/Sheriff Court (address) on (date) at (time) for a diet of trial at which you will be required to answer to the Indictment which is attached to this Notice.

Served on the day of 19... by me (name and designation) by [here state method of service]

(Signature of Officer of Law effecting service)

(Signature of witness to service) Witness

FORM 6 NOTICE OF SPECIAL DIET WHERE ACCUSED INTENDS TO PLEAD GUILTY (WHERE INDICTMENT NOT ALREADY SERVED)

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

Rule 12(1)(a)

To: (Name and Designation of accused)

TAKE NOTICE THAT:

- (1) the Crown Agent has received intimation that you intend to plead guilty to the charge(s) on which you have been committed for trial;
- (2) YOU MUST THEREFORE APPEAR before the High Court of Justiciary, 4 Parliament Square, Edinburgh/or Sheriff Court (address) on (date) at (time) to answer to the Indictment to which this Notice is attached.

Served on the day of 19... by me by [here state method of service]

..... (Signature of Officer of Law serving Notice)

(Signature of witness to service of Notice) Witness

FORM 7NOTICE OF SPECIAL DIET WHERE ACCUSED INTENDS TO PLEAD GUILTY (WHERE INDICTMENT ALREADY SERVED)

Rule 12(1)(b)

To: (Name and Designation of accused)

TAKE NOTICE THAT:

- (1) the Crown Agent has received intimation that you intend to plead guilty to the charge(s) contained in the Indictment the trial of which is to take place at (place) High/Sheriff Court on (date);
- (2) YOU MUST THEREFORE APPEAR before the High Court of Justiciary, 4 Parliament Square, Edinburgh/or Sheriff Court (address) on (date) at (time) to answer to the said Indictment which has already been served upon you.

Served on the day of 19... by me by [here state method of service]

..... (Signature of Officer of Law serving Notice)

(Signature of witness to service of Notice) Witness

FORM 8PETITION FOR ORDER TO HOLD IDENTIFICATION PARADE IN SOLEMN PROCEEDINGS PRIOR TO SERVICE OF INDICTMENT

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

Under the Criminal Justice (Scotland) Act 1980

UNTO THE HONOURABLE THE SHERIFF OF.....

AT

PETITION
of
A.B.
designation, address or Prisoner in
the Prison of.....

HUMBLY SHEWETH:

- (1) That the petitioner has been charged in your Lordship's Court at
..... on a petition at the instance of the Procurator Fiscal with the offence of
..... ;
- [(2) That the trial of the said A.B. is to take place in the said Court on ;]
- (3) That an identification parade in which the petitioner was one of those constituting the parade has not been held;
- (4) That the petitioner has requested the prosecutor to hold such a parade but he has refused to hold, or has unreasonably delayed holding, the same;
- (5) That it is reasonable in the circumstances in relation to the alleged offence that such an identification parade should be held (*specify circumstances*).

MAY IT THEREFORE please your Lordship:

- (1) to appoint intimation of this petition to be made to the said Procurator Fiscal;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, upon being satisfied in terms of Section 10(2) of the said Act, to order the prosecutor to hold an identification parade in which the petitioner shall be one of those constituting the parade, in relation to the offence referred to above with which the petitioner has been charged.

IN RESPECT WHEREOF

Solicitor for the said petitioner

FORM 9 PETITION FOR ORDER TO HOLD IDENTIFICATION PARADE WHERE INDICTMENT SERVED

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

Rule 13

UNTO THE HONOURABLE THE SHERIFF OF.....
AT

PETITION
of
A.B.
designation, address or Prisoner in
the Prison of.....

HUMBLY SHEWETH:

- (1) That the petitioner has been indicted in your Lordship's Court/in the High Court of Justiciary at the instance of X.Y., Her Majesty's Advocate with the offence of..... ;
- (2) That the trial of the said A.B. is to take place in your Lordship's Court/in the High Court of Justiciary sitting at on
- (3) That an identification parade in which the petitioner was one of those constituting the parade has not been held;
- (4) That the petitioner has requested the prosecutor to hold such a parade but he has refused to hold, or has unreasonably delayed holding, the same;
- (5) That it is reasonable in the circumstances in relation to the alleged offence that such an identification parade should be held (*specify circumstances*).

MAY IT THEREFORE please your Lordship:

- (1) to appoint intimation of this petition to be made to the said X.Y.;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, upon being satisfied in terms of Section 10(2) of the said Act, to order the prosecutor to hold an identification parade in which the petitioner shall be one of those constituting the parade, in relation to the offence referred to above with which the petitioner has been charged.

IN RESPECT WHEREOF

Solicitor for the said petitioner

FORM 10RECORD OF PROCEEDINGS AT JUDICIAL EXAMINATION (FIRST OR FURTHER)

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

SHERIFF COURT:

DATE:

SHERIFF:

NAME OF ACCUSED APPEARING:

FOR THE PETITIONER:

PROCURATOR FISCAL/DEPUTE

FOR THE ACCUSED:

SOLICITOR (*address*)

The Sheriff in terms of [Section 19(3)] or [Section 20(3B)] of the Criminal Procedure (Scotland) Act 1975 Delays the examination until (*date*) at (*time*) in order to allow time for the attendance of the Accused's solicitor, (*name and address*) and Grants Warrant to imprison the said Accused in the Prison of (*place*), therein to be detained until the said date.

(Signed) Sheriff

The Accused intimated that he did not desire to emit a Declaration.

The Accused intimated that he desired to emit a Declaration.

VERBATIM RECORDER: (*Name and Address*)
to whom the declaration *de fidei administratione officii* was administered.
Operation of tape recorder, for these proceedings was commenced at (*time*)

Thereafter the Accused, having been judicially admonished, emitted a declaration which was recorded by the said *verbatim* recorder for subsequent transcription.

Thereafter the Prosecutor questioned the accused in terms of Section 20A of the Criminal Procedure (Scotland) Act 1975 and said proceedings were recorded by the said *verbatim* recorder for subsequent transcription.

Operation of tape recorder for these proceedings was terminated at (*time*).

(Signed) Sheriff Clerk

The Sheriff, having [again] considered the foregoing Petition, on the motion of the Prosecutor, Grants Warrant to imprison the Accused in the Prison of (*place*) therein to be detained [for Further Examination] [until liberated in due course of law].

(Signed) Sheriff

FORM 11 NOTICE OF OPINION AS TO ERROR IN OR INCOMPLETENESS OF TRANSCRIPT OF JUDICIAL EXAMINATION

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

Rule 19

in terms of

The Criminal Procedure (Scotland) Act 1975, Section 20B(4)(a)

To: *(Name and Designation)*

Sheriff Court:

Name of Accused:

Date of Examination:

Date of service of transcript:

TAKE NOTICE that the *Procurator Fiscal/above accused is of the opinion that the transcript of the proceedings at the above examination contains an error and/or is incomplete in respect that:

[here give full specification of all alleged points of error or incompleteness].

*(Signed) *Procurator Fiscal/
Solicitor for the said accused.*

[Address and telephone number]

[Place and Date]

*Delete as appropriate

FORM 12APPLICATION FOR RECTIFICATION OF TRANSCRIPT OF JUDICIAL EXAMINATION

Rule 19

in terms of

The Criminal Procedure (Scotland) Act 1975, Section 20B(4)(b)

Sheriff Court:

Name of Accused:

Date of Examination:

Presiding Sheriff:

Date of Service of Notice of Opinion
in terms of Section 20B(4)(a):

The *Procurator Fiscal/above accused applies to the Sheriff for rectification of the transcript of the proceedings relating to the above examination. Details of the alleged error and/or incompleteness are specified in the Notice of Opinion a copy of which is attached hereto.

*(Signed) *Procurator Fiscal/
Solicitor for the said accused.*

[Address and telephone number]

[Place and Date]

*Delete as appropriate

FORM 13INTIMATION OF AGREEMENT

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

Rule 19(5)

in terms of
the first proviso to
The Criminal Procedure (Scotland) Act 1975, Section 20B(4)

To: *(Name and Designation)*

Sheriff Court:

Name of Accused:

Date of Examination:

Date of Service of Notice of Opinion
in terms of Section 20B(4)(a):

The *Procurator Fiscal/above accused agrees with the opinion expressed in the Notice specified above.

A copy of this intimation has been sent to the Sheriff Clerk of the above Court.

(Signed) *Procurator Fiscal/
Solicitor for the said accused.

[Address and telephone number]

[Place and Date]

*Delete as appropriate

FORM 14INTIMATION BY PROSECUTOR OF POSTPONEMENT OF TRIAL DIET

Rule 21(2)

in terms of
The Criminal Procedure (Scotland) Act 1975, Section 20B(5)(b)

HER MAJESTY'S ADVOCATE AGAINST *[Here name all accused]*

To: *(Name and Designation)*

- (1) On *(date)* the Court, in exercise of its powers under Section 20B(5)(b), in your absence postponed the trial diet to the sitting commencing on *(date)*;
- (2) TAKE NOTICE THEREFORE that YOU ARE REQUIRED TO APPEAR at *(place)* Sheriff Court on *(date)* at *(time)* to answer to the indictment which has already been served upon you.

BY AUTHORITY OF HER MAJESTY'S ADVOCATE

Procurator Fiscal

[Place and Date]

FORM 15MINUTE OF NOTICE

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

Rule 24

Under the Criminal Procedure (Scotland) Act 1975, Section 76

Unto the Right Honourable the Lord Justice General, the Lord Justice Clerk and Lords Commissioners of Justiciary

(or)

Unto the Honourable the Sheriff of
at.....

MINUTE OF NOTICE
by
A.B.
designation, address or Prisoner in
the Prison of.....

HUMBLY SHEWETH:

- (1) That the Minuter has (along with C.D., E.F., and G.H.) been indicted at the instance of Her Majesty's Advocate for trial in the High Court of Justiciary sitting at
on /in the Sheriff Court at
on
- (2) That the said A.B. [*here specify the matter, grounds of submission or point which in the opinion of the Minuter requires to be dealt with at a preliminary diet*].
- (3) That a copy of this Minute has been duly intimated to the Lord Advocate (and to the said C.D., E.F. and G.H.) conform to execution(s) attached hereto.

MAY IT THEREFORE PLEASE YOUR LORDSHIP(S):

- (a) to order that there be a preliminary diet and to assign a date therefor;
- [(b) to order that the following productions be made available at such preliminary diet].

High Court
sitting outside
Edinburgh

IN RESPECT WHEREOF

Solicitor for the Minuter
[add address and telephone number]

FORM 16FORM OF NOTICE OF ABANDONMENT OF MATTER TO BE RAISED AT
PRELIMINARY DIET

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

Rule 32

HER MAJESTY'S ADVOCATE v A.B. HIGH COURT/SHERIFF COURT

..... (place)

I, A.B., abandon the written notice of intention lodged by me on (date) in terms of section 76 of the Criminal Procedure (Scotland) Act 1975 for which a preliminary diet has been fixed to be heard at (place) at (time)

(Signed) A.B.

[or Solicitor or Counsel for A.B.
(address and telephone number of solicitor)]

(Place and date)

FORM 17 NOTE OF APPEAL

Rule 35

Under the Criminal Procedure (Scotland) Act 1975, Section 76A

Unto the Right Honourable the Lord Justice General, the Lord Justice Clerk and Lords Commissioners of Justiciary

NOTE OF APPEAL

by

A.B.

designation, address or Prisoner in

the Prison of.....

HUMBLY SHEWETH:

- (1) That in the High Court of Justiciary/Sheriff Court sitting at on a Preliminary Diet was held in the case of Her Majesty's Advocate against the said A.B. (and C.D., E.F., and G.H.);
- (2) That the diet appointed for the trial on the said Indictment is/was [here specify any postponement of the trial diet ordered in terms of Section 76(4)];
- (3) That the matter, the grounds of submission or the point(s) raised at the said Preliminary Diet was/were [here specify];
- (4) That the decision of the Court thereon was [here specify];
- (5) That the Court granted leave to appeal to the High Court against the said decision;
- (6) That the said A.B. appeals to the High Court against the said decision on the following grounds [here specify].

(Signed) A.B.

[or C.D.

Solicitor for the said A.B.
(add address and telephone number)]

Date

FORM 18 MINUTE OF ABANDONMENT NOTICE OF ABANDONMENT OF APPEAL

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

Rule 40

Under the Criminal Procedure (Scotland) Act 1975, Section 76A

Name of Appellant:

Date of Birth:

Prisoner in the Prison of..... [or as the case may be]

Crime or offence to which appeal relates:

Court:

The above named Appellant having lodged a Note of Appeal in terms of Section 76A of said Act abandons as from this date said appeal against the decision at the preliminary diet.

(Signed) A.B.

[or C.D. Solicitor for the said A.B.]

[Place and date]

FORM 19 INTIMATION BY PROSECUTOR OF ADJOURNMENT OF TRIAL DIET

Rule 41

in terms of

The Criminal Procedure (Scotland) Act 1975, Section 77

HER MAJESTY'S ADVOCATE AGAINST [here name all accused]

To: (Name and Designation)

- (1) When the above indictment was not brought to trial at the trial diet fixed for the sitting commencing on (date) the Court in your absence adjourned the trial diet to the sitting commencing on (date);
- (2) TAKE NOTICE THEREFORE that YOU ARE REQUIRED TO APPEAR at (place) High/Sheriff Court on (date) at (time) to answer to the indictment which has already been served upon you.

FORM 20 MINUTE OF POSTPONEMENT OF DIET

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

Rule 42

Under the Criminal Procedure (Scotland) Act 1975, Section 77A

Unto the Right Honourable the Lord Justice General, the Lord Justice Clerk and Lords Commissioners of Justiciary

(or)

Unto the Honourable the Sheriff of
at.....

MINUTE

by

A.B.

designation, address or Prisoner in
the Prison of.....

HUMBLY SHEWETH:

- (1) That the Minuter has (along with C.D., E.F., and G.H.) been indicted at the instance of Her Majesty's Advocate for trial in the High Court of Justiciary sitting at
..... (place) on (date);
- (2) That the said A.B. applies to the Court for postponement of the said trial diet for the following reasons:

[here specify].

MAY IT THEREFORE PLEASE YOUR LORDSHIP(S):

- (a) to fix a diet for hearing this application and to order intimation of this application and the diet to all the parties;
- (b) thereafter, after hearing all the parties, to discharge said trial diet and either to fix a new trial diet or to give leave to the prosecutor to serve a Notice fixing a new trial diet;
- (c) or to do otherwise as to your Lordship(s) shall seem proper.

IN RESPECT WHEREOF

Solicitor for the Minuter
[add address and telephone number]

FORM 21JOINT MINUTE

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

Rule 42(2)

Under the Criminal Procedure (Scotland) Act 1975, Section 77A

Unto the Right Honourable the Lord Justice General, the Lord Justice Clerk and Lords Commissioners of Justiciary

(or)

Unto the Honourable the Sheriff of

at.....

JOINT MINUTE

by

- (1) Her Majesty's Advocate and
- (2) A.B., designation, address or Prisoner in the Prison of

.....
(C.D., E.F., and G.H.)

[here specify all accused]

HUMBLY SHEWETH:

- (1) That the said A.B., (C.D., E.F., and G.H.) has/have been indicted at the instance of Her Majesty's Advocate for trial in the High Court of Justiciary sitting at
..... (place)/in the Sheriff Court at
..... (place) on (date);

- (2) That the Minuters apply to the Court for postponement of the said trial diet for the following reasons:

[here specify].

MAY IT THEREFORE PLEASE YOUR LORDSHIP(S):

- (a) to dispense with a hearing of this application;
- (b) to discharge said trial diet and either to fix a new trial diet or to give leave to the prosecutor to serve a Notice fixing a new trial diet;
- (c) or to do otherwise as to your Lordship(s) shall seem proper.

IN RESPECT WHEREOF

Advocate Depute/Procurator Fiscal
On behalf of Her Majesty's Advocate

Solicitor for the said A.B.,
(C.D., E.F., and G.H.)
[add address and telephone number]

FORM 22NOTICE BY PROSECUTOR FIXING A NEW TRIAL DIET

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

Rule 46

in terms of
The Criminal Procedure (Scotland) Act 1975, Section 77A(2)

HER MAJESTY'S ADVOCATE against [*here name all accused*]

To: (*Name and Designation*)

(1) On (*date*) the Court discharged the trial diet fixed for the sitting commencing on (*date*) and granted leave to the prosecutor to serve on you a notice fixing a new trial diet;

(2) TAKE NOTICE that said new trial diet will take place within (*place*) High/Sheriff Court..... (*address*) on (*date*) at (*time*) when YOU ARE REQUIRED TO APPEAR to answer to the indictment which has already been served upon you.

BY AUTHORITY OF HER MAJESTY'S ADVOCATE

Advocate Depute/Procurator Fiscal

[*Place and Date*]

FORM 23NOTE OF APPEAL AGAINST EXTENSION OF 12 MONTHS PERIODNOTE OF APPEAL

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

Rule 50

Criminal Procedure (Scotland) Act 1975, Section 101(1) and (5) as amended by Criminal Justice (Scotland) Act 1980, Section 14

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

The Appeal of ...
whose domicile of citation has been specified as ...
Appellant
against Her Majesty's Advocate, ... Respondent

HUMBLY SHEWETH:

- (1) That at the Sheriff Court... on ... (date) the Appellant (along with C.D., E.F. and G.H.) appeared on Petition at the instance of the Procurator Fiscal of that Court on charges of ...;
(2) That he was committed for trial on ... and was released on bail on ...;
(3) *That an indictment has been served on him to stand trial at ... on ...;
(4) *That an application in terms of section 101(1)(ii) was presented to ... Court on ... by ... and heard within the ... Court at ... on ...;
(5) That Lord/Sheriff ... extended the period of 12 months which would have expired on ... by ... days;
(6) That the grant of said extension is unreasonable in respect that (here state shortly reasons for appeal).

*Delete and adopt as appropriate

ACCORDING TO JUSTICE &c

Solicitor for Appellant.

Date ... 19...

FORM 24NOTE OF APPEAL AGAINST EXTENSION OF 80 DAYS PERIODNOTE OF APPEAL

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

Rule 50

Criminal Procedure (Scotland) Act 1975, Section 101(3) and (5) as amended by Criminal Justice (Scotland) Act 1980, Section 14

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

The Appeal of presently prisoner in the Prison of Appellant against Her Majesty's Advocate, Respondent

HUMBLY SHEWETH:

- (1) That at the Sheriff Court on (date) the Appellant (along with C.D., E.F. and G.H.) appeared on Petition at the instance of the Procurator Fiscal of that Court on charges of
- (2) That he was committed until liberated in due course of law on and remains in custody;
- (3) That no indictment has been served on him;
- (4) That an application in terms of section 101(3) was presented to the High Court, Edinburgh on (date) by or on behalf of the Lord Advocate and was heard within that Court on (date);
- (5) That Lord extended the period of 80 days which would have expired on (date) by days;
- (6) That the grant of such extension is unreasonable in respect that (here state shortly the reasons for Appeal).

ACCORDING TO JUSTICE &c

Solicitor for Appellant.

Date 19...

FORM 25NOTE OF APPEAL AGAINST EXTENSION OF 110 DAYS PERIODNOTE OF APPEAL

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

Rule 50

Criminal Procedure (Scotland) Act 1975, Section 101(4) and (5) as amended by Criminal Justice (Scotland) Act 1980, Section 14

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

The Appeal of presently prisoner in the Prison of Appellant against Her Majesty's Advocate, Respondent

HUMBLY SHEWETH:

- (1) That at the Sheriff Court on (date) the Appellant (along with C.D., E.F. and G.H.) appeared on Petition at the instance of the Procurator Fiscal of that Court on charges of
- (2) That he was committed until liberated in due course of law on and remains in custody;
- (3) That he had been indicted to stand trial within the Court sitting at on
- (4) That an application in terms of section 101(4) was presented to the High Court, Edinburgh on (date) by or on behalf of the Lord Advocate and was heard within the Court on (date);
- (5) That Lord extended the period of 110 days which would have expired on (date) by days;
- (6) That the grant of such extension is unreasonable in respect that (here state shortly the reasons for Appeal).

ACCORDING TO JUSTICE &c

Solicitor for Appellant.

Date 19....

FORM 26 PETITION FOR ISSUE OF LETTER OF REQUEST WHERE INDICTMENT IN HIGH COURT SERVED

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

HIGH COURT OF JUSTICIARY, SCOTLAND

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

PETITION
of
A.B
Prisoner in the Prison of
.....

HUMBLY SHEWETH:

- (1) That the said A.B. has (along with C.D., E.F. and G.H.) been indicted in your Lordships' Court at the instance of X.Y., Her Majesty's Advocate with the crime of
- (2) That the trial of the said A.B. is to take place in your Lordship's Court sitting at on
- (3) That M.N. residing at in the country or territory of is a witness whose evidence the said A.B. intends to adduce in the course of the said trial;
- (4) That the evidence to the effect specified in the Schedule attached hereto which it is averred that the said witness is able to give is necessary for the proper adjudication of the said trial;
- (5) That there would be no unfairness to the said (C.D., E.F., G.H. or) prosecutor if such evidence were to be received in the form of the record of an examination conducted by virtue of section 32(1) of the Criminal Justice (Scotland) Act 1980;
- (6) That Z..... is a court or tribunal exercising jurisdiction in the said country or territory of..... being a country or territory outside the United Kingdom, Channel Islands or Isle of Man;
- (7) That English is (not) the official language or one of the official languages of the said country or territory.

MAY IT THEREFORE please your Lordships:

- (1) to appoint intimation of this Petition and Schedule to be made to the said (C.D., E.F., G.H., or) X.Y.;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, upon being duly satisfied in terms of section 32(2) of the said Act, to issue a letter of request to (state judge or tribunal within whose jurisdiction the witness is resident) to take evidence of the said witness; and to do otherwise as to your Lordships shall seem proper.

IN RESPECT WHEREOF

Solicitor for the said petitioner

FORM 26BPETITION FOR ISSUE OF LETTER OF REQUEST IN HIGH COURT BEFORE INDICTMENT SERVED

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

Rule 51

HIGH COURT OF JUSTICIARY, SCOTLAND

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

PETITION
of
A.B.
Prisoner in the Prison of
.....

HUMBLY SHEWETH:

- (1) That the said A.B. was (along with C.D., E.F. and G.H.) on in the Sheriff Court at committed to prison till liberated in due course of law on a petition at the instance of the Procurator Fiscal in the said Court charging the said with the crime of
- (2) That no indictment has been served upon the said A.B. in respect of the said crime and that accordingly the Court in which any trial of the said A.B. in respect of the crime for which he stands committed is not yet known;
- (3) That M.N. residing at in the country or territory of is a witness whose evidence the said A.B. intends to adduce in the course of the said trial;
- (4) That the evidence to the effect specified in the Schedule attached hereto which it is averred that the said witness is able to give is necessary for the proper adjudication of the said trial;
- (5) That there would be no unfairness to the said (C.D., E.F., G.H. or) prosecutor if such evidence were to be received in the form of the record of an examination conducted by virtue of section 32(1) of the Criminal Justice (Scotland) Act 1980;
- (6) That Z..... is a court or tribunal exercising jurisdiction in the said country or territory of..... being a country or territory outside the United Kingdom, Channel Islands or Isle of Man;
- (7) That English is (not) the official language or one of the official languages of the said country or territory.

MAY IT THEREFORE please your Lordships:

- (1) to appoint intimation of this Petition and Schedule to be made to the said (C.D., E.F., G.H., or) Procurator Fiscal;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, upon being duly satisfied in terms of section 32(2) of the said Act, to issue a letter of request to (state judge or tribunal within whose jurisdiction the witness is resident) to take evidence of the said witness; and to do otherwise as to your Lordships shall seem proper.

IN RESPECT WHEREOF

Solicitor for the said petitioner

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

FORM 26CPETITION FOR ISSUE OF LETTER OF REQUEST IN SOLEMN PROCEEDINGS
IN SHERIFF COURT

Rule 51

Under the Criminal Justice (Scotland) Act 1980

UNTO THE HONOURABLE THE SHERIFF OF.....

AT

PETITION

of

A.B.

designation, address or Prisoner in

the Prison of

HUMBLY SHEWETH:

- (1) That the petitioner has been indicted (along with C.D., E.F., and G.H.) in your Lordship's Court at the instance of X.Y., Her Majesty's Advocate with the offence of
- (2) That the trial of the said A.B. is to take place in your Lordship's Court sitting at
- (3) That M.N. residing at in the country or territory of is a witness whose evidence the said A.B. intends to adduce in the course of the said trial;
- (4) That the evidence to the effect specified in the Schedule attached hereto which it is averred that the said witness is able to give is necessary for the proper adjudication of the said trial;
- (5) That there would be no unfairness to the said (C.D., E.F., G.H. or) prosecutor if such evidence were to be received in the form of the record of an examination conducted by virtue of section 32(1) of the Criminal Justice (Scotland) Act 1980:
- (6) That Z.....
.....
is a court or tribunal exercising jurisdiction in the said country or territory of.....
..... being a country or territory outside the United Kingdom, Channel Islands or Isle of Man;
- (7) That English is (not) the official language or one of the official languages of the said country or territory.

MAY IT THEREFORE please your Lordship:

- (1) to appoint intimation of this Petition and Schedule to be made to the said (C.D., E.F., G.H., or) X.Y.;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, upon being duly satisfied in terms of section 32(2) of the said Act, to issue a letter of request to
(state judge or tribunal within whose jurisdiction the witness is resident) to take evidence of the said witness; and to do otherwise as to your Lordship shall seem proper.

IN RESPECT WHEREOF

Solicitor for the said petitioner

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

FORM 27FORM OF LETTER OF REQUEST

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

Rules 51(2) and 101(2)

(Items to be included in all Letters of Request)

- 1 Sender (identity and address)
.....
.....
 - 2 Central authority of the requested State (identity and address)
.....
.....
 - 3 Person to whom the executed request is to be returned (identity and address)
.....
.....
 - 4 The undersigned applicant has the honour to submit the following request:
(a) Requesting judicial authority (identity and address)
.....
.....
(b) To the competent authority (the requested State)
.....
.....
 - 5 Names and addresses of the parties and their representatives:
(a) Prosecutor
.....
.....
(b) Accused
.....
.....
 - 6 Nature and purpose of the proceedings and summary of the facts
.....
.....
 - 7 Evidence to be obtained or other judicial act to be performed
.....
.....
- (Items to be completed where applicable)*
- 8 Identity and address of any person to be examined
.....
.....
 - 9 Questions to be put to the persons to be examined or statement of the subject-matter about which they are to be examined (or see attached list)
.....
.....
 - 10 Documents or other property to be inspected (specify whether it is to be produced, copied, valued, etc.)
.....
.....
 - 11 Any requirement that the evidence be given on oath or affirmation and any special form to be used (in the event that the evidence cannot be taken in the manner requested, specify whether it is to be taken in such manner as provided by local law for the formal taking of evidence)
.....
.....
 - 12 Special methods or procedure to be followed
.....
.....

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

- 13 Request for notification of time and place for the execution of the request and identity and address of any person to be notified
- 14 Request for attendance or participation of judicial personnel of the requesting authority at the execution of the letter of request
- 15 Specification of privilege or duty to refuse to give evidence under the law of the State of origin
- 16 The fees and costs incurred will be borne by (*identity and address*)

(Items to be included in all Letters of Request)

- 17 Date of request
- 18 Signature and seal of the requesting authority

FORM 28APETITION FOR COMMISSION TO TAKE EVIDENCE IN HIGH COURT WHERE INDICTMENT SERVED

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

HIGH COURT OF JUSTICIARY, SCOTLAND

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

PETITION
of
A.B.
Prisoner in the Prison of
.....

HUMBLY SHEWETH:

- (1) That the said A.B. has (along with C.D., E.F., and G.H.) been indicted in your Lordships' Court at the instance of X.Y., Her Majesty's Advocate with the crime of
- (2) That the trial of the said A.B. is to take place in your Lordships' Court sitting at on
- (3) That M.N. residing at being a country or territory within the United Kingdom, Channel Islands or Isle of Man is a witness whose evidence the said A.B. intends to adduce in the course of the said trial;
- (4) That the evidence to the effect specified in the Schedule attached hereto which it is averred that the said witness is able to give is necessary for the proper adjudication of the said trial;
- (5) That there would be no unfairness to the said (C.D., E.F., G.H. or) prosecutor if such evidence were to be received in the form of the record of an examination conducted by virtue of section 32(1) of the Criminal Justice (Scotland) Act 1980.

MAY IT THEREFORE please your Lordships:

- (1) to appoint intimation of this Petition and Schedule to be made to the said (C.D., E.F., G.H., or) X.Y.;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, upon being duly satisfied in terms of section 32(2) of the said Act to appoint
.....
or such other person as your Lordships shall think fit to be a Commissioner to take the evidence of the said witness and to report to your Lordships *quam primum*; and to do otherwise as to your Lordships shall seem proper.

IN RESPECT WHEREOF

Solicitor for the said petitioner

FORM 28BPETITION FOR COMMISSION TO TAKE EVIDENCE IN HIGH COURT WHERE NO INDICTMENT SERVED

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

Rule 57

HIGH COURT OF JUSTICIARY, SCOTLAND

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

PETITION
of
A.B.
Prisoner in the Prison of
.....

HUMBLY SHEWETH:

- (1) That the said A.B. was (along with C.D., E.F. and G.H.) on in the Sheriff Court at committed to prison till liberated in due course of law on a petition at the instance of the Procurator Fiscal in the said Court charging the said with the crime of
- (2) That no indictment has been served upon the said A.B. in respect of the said crime and that accordingly the Court in which any trial of the said A.B. in respect of the crime for which he stands committed is not yet known;
- (3) That M.N. residing at being a country or territory within the United Kingdom, Channel Islands or Isle of Man is a witness whose evidence the said A.B. intends to adduce in the course of the said trial;
- (4) That the evidence to the effect specified in the Schedule attached hereto which it is averred that the said witness is able to give is necessary for the proper adjudication of the said trial;
- (5) That there would be no unfairness to the said (C.D., E.F., G.H. or) prosecutor if such evidence were to be received in the form of the record of an examination conducted by virtue of section 32(1) of the Criminal Justice (Scotland) Act 1980:

MAY IT THEREFORE please your Lordships:

- (1) to appoint intimation of this Petition and Schedule to be made to the said (C.D., E.F., G.H., or) X.Y.;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, upon being duly satisfied in terms of section 32(2) of the said Act to appoint or such other person as your Lordships shall think fit to be a Commissioner to take the evidence of the said witness and to Report to your Lordships *quam primum*; and to do otherwise as to your Lordships shall seem proper.

IN RESPECT WHEREOF

Solicitor for the said petitioner

FORM 28CPETITION FOR COMMISSION TO TAKE EVIDENCE IN SOLEMN PROCEEDINGS IN SHERIFF COURT

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

Under the Criminal Justice (Scotland) Act 1980

UNTO THE HONOURABLE THE SHERIFF OF.....

AT

PETITION
of
A.B.
designation, address or Prisoner in
the Prison of.....

HUMBLY SHEWETH:

- (1) That the petitioner has (along with C.D., E.F., and G.H.) been indicted in your Lordship's Court at the instance of X.Y., Her Majesty's Advocate with the offence of
- (2) That the trial of the said A.B. is to take place in your Lordship's Court sitting at on
- (3) That M.N. residing at within the United Kingdom, Channel Islands or Isle of Man is a witness whose evidence the said A.B. intends to adduce in the course of the said trial;
- (4) That the evidence to the effect specified in the Schedule attached hereto which it is averred that the said witness is able to give is necessary for the proper adjudication of the said trial;
- (5) That there would be no unfairness to the said (C.D., E.F., G.H. or) prosecutor if such evidence were to be received in the form of the record of an examination conducted by virtue of section 32(1) of the Criminal Justice (Scotland) Act 1980:

MAY IT THEREFORE please your Lordship:

- (1) to appoint intimation of this Petition and Schedule to be made to the said (C.D., E.F., G.H., or) X.Y.;
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, upon being duly satisfied in terms of section 32(2) of the said Act, to appoint such person as your Lordship shall think fit to be a Commissioner to take the evidence of the said witness and to report to your Lordship *quam primum*; and to do otherwise as to your Lordship shall seem proper.

IN RESPECT WHEREOF

Solicitor for the said petitioner

FORM 29APPLICATION FOR RENEWAL OR TERMINATION OF INTERIM HOSPITAL ORDER UNDER SECTION 174A(1) AND 375A(1) OF THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1975

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

Rules 62 and 112

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

OF (or UNTO THE HONOURABLE THE SHERIFF
AT)

APPLICATION

under

Section 174A(6), 375A(7) of the Criminal
Procedure (Scotland) Act 1975

by

Her Majesty's Advocate
(or AB Procurator Fiscal)
in respect of
CD presently a patient in
Hospital

for

Renewal (or Termination) of an *interim* hospital order

- (1) On (*date*) the Court made an *interim* hospital order in respect of CD (which order was renewed by the Court on (*date*)).
- (2) The order expires on (*date*).
- (3) It is necessary to bring the case before the Court before the date mentioned in paragraph 2 above for the following reasons

(*here state reasons*).

MAY IT THEREFORE please your Lordship(s) to fix a diet for the purpose of considering this application to renew the *interim* hospital order; (and for that purpose to grant warrant to authorised officers of the hospital (or officers of law) to bring CD before the court for said diet).

Or MAY IT THEREFORE please your Lordship(s) to fix a diet for the purpose of considering this application and further information now available with a view to making a final disposal of the case; (and for that purpose to grant warrant to authorised officers of the hospital (or officers of law) to bring CD before the Court for said diet).

According to Justice, etc.

(*signed*)
for Her Majesty's Advocate
(or Procurator Fiscal (Depute))

(*Place and Date*)

FORM 30FORM OF ORDER FOR DIET OF HEARING AND WARRANT FOR CONVEYANCE
OF OFFENDER TO COURT FOR HEARING OF APPLICATION FOR RENEWAL OR
TERMINATION OF INTERIM ORDER

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

Rules 62 and 112

Appoints (place) the (date) 19 day of
198 at within
as a diet for hearing the foregoing application; Grants
warrant to (authorised officers of hospital) (officers of
law) to bring
before the court for said diet.

(signed)
(Lord Commissioner of Justiciary)
(Sheriff)

FORM 31 REFERENCE TO EUROPEAN COURT

Rules 65 and 116

(Here set out a statement of the case for the European Court, giving brief particulars of the case, the issues involved, any relevant facts found by the Court, any relevant rules and provisions of Scots Law, and the relevant Treaty provisions, acts, instruments or rules of Community law giving rise to the reference). The preliminary ruling of the Court of Justice of the European Communities is accordingly sought on the following questions—1, 2, etc. (insert the questions on which the ruling is sought).

Dated the day of 19

FORM 32 APPEAL TO HIGH COURT

Rules 67 and 118

NOTE OF APPEAL

by

(Here design parties to Appeal)

The Appellant appeals to the High Court of Justiciary *(here set out details of order appealed against and grounds for appeal).*

Dated
Signature of Appellant or his solicitor (*design*)

FORM 33 FORMS OF OATH AND AFFIRMATION

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

Rules 67, 70 and 121

PART 1

FORM OF OATH FOR JURORS

The jurors to raise their right hands and the clerk of court to ask them: "Do you swear by Almighty God that you will well and truly try the accused and give a true verdict according to the evidence?"
The jurors to reply: "I do".

PART 2

FORM OF AFFIRMATION FOR JURORS

The juror to repeat after the clerk of court: "I, [name], do solemnly, sincerely and truly declare and affirm that I will well and truly try the accused and give a true verdict according to the evidence".

PART 3

FORM OF OATH FOR WITNESSES

The witness to raise his right hand and repeat after the judge: "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

PART 4

FORM OF AFFIRMATION FOR WITNESSES

The witness to repeat after the judge: "I solemnly, sincerely and truly declare and affirm that I will tell the truth, the whole truth and nothing but the truth".

FORM 34 FORMS OF SENTENCE OF DEATH

Rule 75

A.B., the sentence of the Court is that you be taken from this place to the Prison of
.....[thence to be forthwith transmitted to the Prison of] therein
to be detained until the day of and upon that day within
the said prison of
between the hours of eight and ten o'clock forenoon you suffer death by hanging which is pronounced
for Doom.

FORM 35 FORM OF PROBATION ORDER

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

Under the Criminal Procedure (Scotland) Act 1975, Sections 183 and 384

COURT:

ON

19

OFFENDER:

Address:

Date of Birth:

The Court being satisfied that the Offender has committed the offence with which he is charged
(or)
in view of the conviction of the Offender

and being of the opinion that having regard to the circumstances, including the nature of the offence and the character of the Offender, it is expedient to make a Probation Order containing the under-noted requirements; and THE COURT having explained to the Offender the effect of the Order (including the requirements set out below), and that if he fails to comply with the Order, he may be brought before the Court by his supervising officer for a breach of probation and may be sentenced/dealt with for the original offence, and that, if he commits another offence during the period of the Probation Order, he may be dealt with likewise:

And the Offender having expressed his willingness to comply with the requirements of the Order:

THE COURT therefore orders that for a period of
the date hereof the Offender who resides/is to reside in the local authority area of
shall be under the
supervision of an officer of that local authority allocated for the purpose/allocated for the purpose as
required by the Court at
in
the said local authority area; that the Offender shall be notified in writing by the Clerk of Court of the
name and official address of the officer who is to supervise him and similarly if at any time such supervision
is to be undertaken by another officer of the local authority allocated for the purpose; and that the
Offender shall comply with the following requirements, namely—

- (1) to be of good behaviour;
- (2) to conform to the directions of the supervising officer;
- (3) to inform the supervising officer at once if he changes his residence or place of employment;
- (4) (*Here insert any additional requirements*)

Clerk of Court.

Date:

Note: _____ of
has been allocated as supervising officer in this case.

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

Rule 83

CRIMINAL PROCEDURE (SCOTLAND) ACT 1975

EXTRACT SENTENCE, WARRANT OF DETENTION AND RETURN OF SENTENCE

Court		Judge
Accused		Date of Sentence
		Address (where known)
Date of Birth	Marital Status	Occupation
Offence(s) for which sentenced		Method of conviction Jury trial Plea Sec. 102

Sentence: The Court Sentenced, Decerned and Adjudged the said Accused to be imprisoned as from this date for the period specified below and thereafter to be set at liberty

Period of Imprisonment:

Warrant: In respect of the foregoing sentence the Court Ordained, and hereby Ordains, the said accused to be conveyed by Officers of law to the Prison of

thereafter to be dealt with in due course of law.

Officers to prove conviction	
------------------------------	--

Previous record (as per list attached)
--

Extracted by me

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

Rule 84 (Section 231)

HIGH COURT OF JUSTICIARY

To: Clerk of Justiciary

Intimation of Intention to
Appeal
under
Criminal Procedure (Scotland)
Act 1975

Name of convicted person

Date of Birth

Prisoner in the Prison of

Date of final determination of the proceedings

Crime or offence to which appeal relates

Court and name of judge

Sentence

[or as the
case may be]

Intimation is hereby given that the above named intends to appeal to the High Court against the foregoing *conviction/conviction and sentence. * [delete as appropriate]

(Signed by convicted person, his Counsel or Solicitor)
[Solicitor to add address and telephone number]

(Date)

FORM 38NOTE OF APPEAL

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

Rule 84 (Section 233)

HIGH COURT OF JUSTICIARY

To: Clerk of Justiciary

**NOTE OF APPEAL
under
Criminal Procedure (Scotland)
Act 1975**

Name of convicted person

Date of Birth

Prisoner in the Prison of

*[or as the
case may be]*

Date of final determination of the proceedings

Crime or offence to which appeal relates

Court and name of judge

Sentence

The above named convicted person appeals against *conviction/
sentence/conviction and sentence on the following grounds:- *[here give full
statement of all grounds of appeal]*.

* *[delete as
appropriate]*

*(Signed by convicted person, his Counsel or Solicitor)
[Solicitor to add address and telephone number]*

(Date)

FORM 39APPLICATION FOR EXTENSION OF TIME

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

Rule 84 (Section 236B)

HIGH COURT OF JUSTICIARY

Application for Extension of Time under Section 236B(2) of the Criminal Procedure (Scotland) Act 1975

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

Name of convicted person

Date of Birth

Prisoner in the Prison of

[or as the case may be]

Date of final determination of the proceedings

Crime or offence to which appeal relates

Court and name of judge

Sentence

Application is hereby made for extension of time within which to:

[delete as appropriate]

- (a) intimate an Intention to Appeal against conviction
- (b) intimate an Intention to Appeal against conviction & sentence
- (c) lodge a Note of Appeal against sentence
- (d) lodge a Note of Appeal against conviction
- (e) lodge a Note of Appeal against conviction and sentence

for the following reasons:-

[here fully state the reasons for the failure to lodge timeously the Intimation of Intention to Appeal or Note of Appeal as the case may be].

(Signed by convicted person, his Counsel or Solicitor)

[Solicitor to add address and telephone number]

(Date)

FORM 40APPLICATION FOR BAIL PENDING APPEAL

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

Rule 84 (Section 238)

CRIMINAL PROCEDURE (SCOTLAND) ACT 1975

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

The Petition of
presently a prisoner in the
Prison of

HUMBLY SHEWETH:

THAT on [date] he was convicted
in the Court at
of [here state crime or offence]

and sentenced to

THAT On [date] he lodged an Intimation of Intention to
Appeal/Note of Appeal to the High Court of Justiciary under The Criminal Procedure (Scotland) Act
1975.

*[Here state the
relevant facts
in support of
grant of bail]*

That the said crime is bailable.

May it therefore please your Lordships to Remit this Petition and relative documents to the Sheriff
at with a
direction to admit the Petitioner to Bail so far as detained under said sentence upon his formal acceptance
and/or fulfilment of such conditions as your Lordships shall fix.

According to Justice &c.,

(Signature)
(Petitioner or Counsel or Solicitor for Petitioner)
[Solicitor to add address and telephone number]

(Date)

FORM 41NOTICE OF ABANDONMENT OF APPEAL

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

Rule 84 (Section 244)

CRIMINAL APPEAL
THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1975

Name of convicted person

Date of birth

Prisoner in the Prison of

*[or as the
case may be]*

Crime or offence to which appeal relates

Court

Sentence

I, *[name in full]*
this date my appeal against:

abandon as from

- (a) Conviction
- (b) Conviction but proceed with
my appeal against Sentence
- (c) Conviction and Sentence
- (d) Sentence

*[delete as
appropriate]*

(Signature)

Appellant

[Place and date]

To:- The Clerk of Justiciary
Parliament Square
Edinburgh
EH1 1RF

FORM 42NOTIFICATION OF DECISION

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

Rule 84 (Section 251)

**CRIMINAL PROCEDURE (SCOTLAND) ACT 1975
NOTIFICATION UNDER SECTION 251 TO APPLICANT OF A DECISION OF A JUDGE
UNDER SECTION 247**

To: *(Name and designation)*

I hereby give notice that a judge of the High Court of Justiciary having considered your Application for:-

- (a) Extension of time within which an Intimation of Intention to Appeal against conviction/conviction and sentence may be lodged;
- (b) Extension of time within which a Note of Appeal against conviction/conviction and sentence/sentence may be lodged;
- (c) Permission to you to be present at the hearing of any proceedings in relation to your Appeal and/or Application; *[delete as appropriate]*
- (d) Admission to Bail
has refused/granted the Application

If you desire to have the above mentioned Application(s) which has/have been refused, determined by the High Court of Justiciary constituted as provided in the Act above mentioned you are required to fill up the enclosed Form and return it to me within five days of its receipt by you, otherwise the decision of the single judge will be final.

.....
Clerk of Justiciary

[Date]

FORM 43 APPLICATION FOR DETERMINATION BY HIGH COURT

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

Rule 84 (Section 251)

**CRIMINAL PROCEDURE (SCOTLAND) ACT 1975
REQUISITION UNDER SECTION 251 FOR DETERMINATION BY THE COURT UNDER
SECTION 247 OF APPLICATION(S) REFUSED BY A SINGLE JUDGE**

To: Clerk of Justiciary

I, (*name in full*) having received your notification that my Application(s) for:-

- (a) Extension of time within which an Intimation of Intention to Appeal against conviction/conviction and sentence may be lodged;
- (b) Extension of time within which a Note of Appeal against conviction/conviction and sentence/sentence may be lodged; [delete as appropriate]
- (c) Permission to me to be present at the hearing of any proceedings in relation to my Appeal and/or Application;
- (d) Admission to Bail;

has/have been refused hereby give notice that I desire that the said Application(s) shall be considered and determined by the High Court of Justiciary constituted as provided in the Act above mentioned.

[Date] (Signature) Applicant

Note:-If the Applicant desires to be present at the hearing by the Court in relation to his Application(s), he should complete and sign the following:-

I, (*name in full*) * If legally represented
*(not being legally represented) desire to be present at the hearing of my Application(s) above mentioned. delete these words

[Date] (Signature) Applicant

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

Rule 86

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

THE PETITION OF

presently

.....

HUMBLY SHEWETH:

THAT on the _____ day of _____ 19 ____ the Petitioner was convicted in the _____ Court at _____ and was *inter alia* ordered to be disqualified for a period of _____ in terms of Section 93 of the Road Traffic Act 1972.

THAT on _____ the Petitioner lodged with the Clerk of Justiciary a Note of Appeal in terms of the provisions of Sections 233 of the Criminal Procedure (Scotland) Act 1975.

*THAT an application for suspension of the said disqualification made in terms of section 94(3) of the said Road Traffic Act was refused by the said Sheriff Court on the _____ day of _____ 19 ____ and that the Petitioner has served a copy of this Petition on the Clerk of the said Sheriff Court.

THAT the Petitioner has served a copy of this Petition on the Crown Agent.

May it therefore please your Lordships in terms of section 94B(2) of the Road Traffic Act 1972 to suspend the said disqualification on such terms as your Lordships think fit.

ACCORDING TO JUSTICE &c

Solicitor for Petitioner

*Delete as applicable
(Sheriff Court case only)

FORM 44AAPPLICATION TO SHERIFF FOR SUSPENSION OF ORDER FOR DISQUALIFICATION PENDING APPEAL

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

Rule 86

AB
Appellant
against
HER MAJESTY'S ADVOCATE
Respondent

HUMBLY SHEWETH:

- (1) THAT on the _____ day of _____ 19 ____ the Appellant was convicted in the Sheriff Court at _____ and was *inter alia* ordered to be disqualified for a period of _____ in terms of Section 93 of the Road Traffic Act 1972.
- (2) THAT on _____ the appellant lodged with the Clerk of Justiciary a Note of Appeal in terms of the provisions of Section 233 of the Criminal Procedure (Scotland) Act 1975. A copy of said Note is attached hereto and is endorsed as having been received by the Clerk of Justiciary.
- (3) THAT the Appellant has served a copy of this Application on the Procurator Fiscal at _____

May it therefore please your Lordships in terms of Section 94(3) of the Road Traffic Act 1972 to suspend the said disqualification on such terms as your Lordships think fit.

Solicitor for Appellant

(Place and date)