
STATUTORY INSTRUMENTS

1993 No. 2391 (S.247)

**HIGH COURT OF JUSTICIARY
SUMMARY JURISDICTION, SCOTLAND**

**Act of Adjournal (Consolidation
Amendment No.2) (Miscellaneous) 1993**

Made - - - - 30th September 1993

Coming into force - - 1st October 1993

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary under and by virtue of the powers conferred on them by sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975(1), and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Consolidation Amendment No.2) (Miscellaneous) 1993 and shall come into force on 1st October 1993.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Amendment of Act of Adjournal (Consolidation) 1988

2.—(1) The Act of Adjournal (Consolidation) 1988(2) shall be amended in accordance with the following sub-paragraphs.

(2) In rule 16 (verbatim record)–

- (a) omit paragraph (2);
- (b) in paragraph (3), for the words “and the making of a declaration by him”, substitute the words “or the person recording the questions, answers and declarations by mechanical means”; and
- (c) in paragraph (4), omit the words “, and subject to paragraph (5), make a transcript of those proceedings”.

(1) 1975 c. 21. Sections 282 and 457 were extended by section 65 of, and amended by Schedule 7 to, the Criminal Justice (Scotland) Act 1980 (c. 62).

(2) S.I.1988/110.

(3) In rule 19(2) (rectification of errors in transcript), for the words “signed and certified by the shorthand writer under section 20B(2)”, substitute the words “certified in accordance with section 20B(1C)(b)(3)”.

(4) After rule 73 (use of transcript of judicial examination), insert the following rule:–

“Certificates in respect of documentary evidence

73A. –

(1) For the purposes of paragraph 1(1) of Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993(4), a copy of, or a copy of a material part of, a document shall be authenticated–

(a) by a person who is–

(i) the author of the original of it;

(ii) a person in possession and control of the original of it or a copy of it; or

(iii) the authorised representative of the person in possession and control of the original of it or a copy of it; and

(b) by means of a signed certificate, certifying the copy as a true copy, which may be in the form set out in Form 93 in Schedule 1–

(i) endorsed on the copy; or

(ii) attached to the copy.

(2) For the purposes of paragraph 4 of Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993, a document shall be certified by a docquet in the form set out in Form 94 of Schedule 1–

(a) endorsed on the document; or

(b) attached to the document.

(3) For the purposes of paragraph 5(3) of Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993, a certificate shall be in the form set out in Form 95 in Schedule 1.”.

(5) After rule 83D (reduction of disqualification period for drink-drive offenders(5), insert the following rule:–

“Form of supervised release order

83E. A supervised release order under section 212A of the 1975 Act(6) shall be in the form set out in Form 96 of Schedule 1.”.

(6) In rule 84 (forms for appeal), after paragraph (2) insert the following paragraph:–

“(3) An appeal under section 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (appeals in respect of decisions relating to supervised release orders) shall be in the form set out in Form 38 of Schedule 1.”.

(7) After rule 122 (notice of use of autopsy and forensic science reports in evidence), insert the following rule:–

(3) Section 20B(1C)(b) was inserted by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), Schedule 5, paragraph 1(2).

(4) 1993 c. 9.

(5) Rule 83D was inserted by S.I. 1993/1955.

(6) Section 212A was inserted by the Prisoners and Criminal Proceedings (Scotland) Act 1993, section 14(1).

“Certificates in respect of documentary evidence

122A. –

(1) For the purposes of paragraph 1(1) of Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993, a copy of, or a copy of a material part of, a document shall be authenticated–

- (a) by a person who is–
 - (i) the author of the original of it; or
 - (ii) a person in possession and control of the original of it or a copy of it; and
- (b) by means of a signed certificate, certifying the copy as a true copy, which may be in the form set out in Form 93 of Schedule 1–
 - (i) endorsed on the copy; or
 - (ii) attached to the copy.

(2) For the purposes of paragraph 4 of Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993, a document shall be certified by a docquet in the form set out in Form 94 of Schedule 1–

- (a) endorsed on the document; or
- (b) attached to the document.

(3) For the purposes of paragraph 5(3) of Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993, a certificate shall be in the form set out in Form 95 of Schedule 1.”.

(8) In schedule 1–

- (a) in form 10 (record of proceedings at judicial examination (first or further)), for the words “to whom the declaration *de fidei administratione officii* was administered”, substitute the words “(specify means by which record made)”;
- (b) in Form 38 (note of appeal), after the words “Criminal Procedure (Scotland) Act 1975”, insert the words “[or Prisoners and Criminal Proceedings (Scotland) Act 1993, section 19(1)]”; and
- (c) after Form 92 (form of application under section 34B(7) of the Road Traffic Offenders Act 1988)(7), insert the forms in the Schedule to this Act of Adjournal.

Edinburgh,
30th September 1993

J.A.D. Hope
Lord Justice General, IPD

(7) Form 92 was inserted by S.I. [1993/1955](#).

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SCHEDULE

Paragraph 2(8)(c)

Form 93 Form of certificate of authentication of document **CERTIFICATE OF AUTHENTICATION**

Rules 73A(1) and 122A(1)

I, *(insert name and title of office held)*, being the author [*or the person in possession and control*] [*or the authorised representative of (insert name and address) who [or which] is in possession and control*] of the original of this document [*or a copy of a document*] [*or a copy of a material part of a document*] [*or the documents listed and described below and to which this certificate is attached*] hereby certify that it is [*or they are*] a true copy [*or true copies*] of [*part of*] the original(s) [*or copy*] [*or copies*] in my possession and control [*or in the possession and control of (name and address) of whom [or which] I am the authorised representative*].

Date: *(insert date)*

(Signed)
(Insert authorised capacity in which certificate signed)

[List and describe documents]

Form 94 Form of docquet certifying a document as one kept by a business or undertaking

Rules 73A(2) and 122A(2)

I, *(insert name and title of office held)*, hereby certify that this document [*or the documents listed and described below and to which this certificate is attached*] is [*or are*] a document [*or documents*] kept by a business [*or undertaking*] [*or by or on behalf of the holder of a paid [or unpaid] office*], namely *(insert name and address of business, undertaking or office)*.

Date: *(insert date)*

(Signed)
(Insert authorised capacity in which certificate signed)

[List and describe documents]

Form 95 Form of certificate that statement not contained in business document

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Rules 73A(3) and 122A(3)

I, *(insert name and title of office held)*, being a person authorised to give evidence on behalf of *(insert name and address of business or undertaking, or body of which the signatory is an office-holder)*, hereby state that *(name and describe document)* being a document [*or that no document within the category of documents of (name and describe category) being documents*] in respect of which the conditions *(specify the conditions in paragraph 2(1)(a) or 2(1)(b) of Schedule 3 the Prisoners and Criminal Proceedings (Scotland) Act 1993 which apply)* are satisfied does not contain [*or, where no document within a category of documents satisfying those conditions contains such a statement, contains*] *(specify the relevant statement as to the particular matter not contained in the document)*.

Date: *(insert date)*

(Signed)
(Insert authorised capacity in which certificate signed)

Form 96 Form of supervised release order

Rule 83E

Under the Criminal Procedure (Scotland) Act 1975, section 212A

COURT:

ON 19

OFFENDER:

ADDRESS:

DATE OF BIRTH:

The court having sentenced the offender to imprisonment for a term of being not less than twelve months but less than four years: AND

being of the opinion that this order is necessary to protect the public from serious harm from the offender on his release: AND

having explained to the offender the effect of the order and the possible consequences for the offender of any breach of it including any failure to comply with the requirements mentioned below:

ORDERS that the offender shall, during a period of *(insert period being a period not exceeding 12 months or extending beyond the date by which the entire term of imprisonment will elapse)* after the date of his release, be under the supervision either of a relevant officer of a local authority or of a probation officer appointed for or assigned to a petty sessions area designated by the Secretary of State under section 14(4) or 15(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 and shall be subject to—

- (i) such reasonable requirements as may, by virtue of section 212A(2)(b) of the Criminal Procedure (Scotland) Act 1975, be specified by the supervising officer; and
- (ii) *[insert any requirements which the court may wish to specify, e.g., as to counselling on drug or alcohol abuse, staying away from victims, etc.]*

(Signed)
Clerk of Court

Copy to: Offender
Secretary of State

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EXPLANATORY NOTE

(This note is not part of the Act of Adjournal)

This Act of Adjournal provides—

- (a) for minor amendments to rules 16 and 19 of, and Form 10 in Schedule 1 to, the Act of Adjournal (Consolidation) 1988 to accommodate the making of a record of proceedings at judicial examination by mechanical as well as by shorthand means;
- (b) for the forms of certificate for certifying and authenticating documents to be used in criminal proceedings by virtue of Schedule 3 the Prisoners and Criminal Proceedings (Scotland) Act 1993; and
- (c) for the form of a supervised release order made under section 212A of the Criminal Procedure (Scotland) Act 1975 inserted by section 14(1) of the Prisoners and -Criminal Proceedings (Scotland) Act 1993; and for the form of appeal (under section 19 of the Act of 1993 in respect of decisions relating to supervised release orders).