

2011 No. 194

HIGH COURT OF JUSTICIARY

SHERIFF COURT

JUSTICE OF THE PEACE COURT

**Act of Adjournal (Criminal Procedure Rules Amendment No. 3)
(Miscellaneous) 2011**

Made - - - - *10th March 2011*

Coming into force - - *28th March 2011*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 271V(3) and section 305 of the Criminal Procedure (Scotland) Act 1995(a), section 6(3D) of the Extradition Act 2003(b), section 11(3) and (4) of the Control of Dogs (Scotland) Act 2010(c), section 165 of the Criminal Justice and Licensing (Scotland) Act 2010(d), and of all other powers enabling them in that behalf do hereby enact and declare:

Citation, commencement etc.

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 3) (Miscellaneous) 2011.

(2) It comes into force on 28th March 2011.

(3) A certified copy of this Act of Adjournal is to be inserted in the Books of Adjournal.

(4) Unless the context requires otherwise, in this Act of Adjournal a reference to a numbered chapter, provision or form is to the chapter, provision or form of that number in the Criminal Procedure Rules 1996(e).

Prosecution of organisations

2.—(1) In rule 8.2(5) (citation of accused and witnesses)(f) for “a body corporate” substitute “an organisation”.

(2) In Form 8.2-G and Form 8.2-H for the words “body corporate”, wherever they appear, substitute “organisation”.

(a) 1995 c.46. Section 271V(3) was inserted by section 90 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(b) 2003 c.41. Section 6(3D) was substituted by section 77 of the Policing and Crime Act 2009 (c.26).

(c) 2010 asp 9.

(d) 2010 asp 13.

(e) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2011/167).

(f) Rule 8.2 substituted by S.S.I. 2005/44, last amended by S.S.I. 2005/188.

Transfer of justice of the peace court cases

3.—(1) In rule 17A.1 (transfer of summary proceedings)(a)—

- (a) in paragraph (1)(a) after “section 137A(1)” insert “or section 137CA(2)(b)”;
- (b) in paragraph (1)(b) after “section 137B(1)” insert “or section 137CB(2)”;
- (c) in paragraph (1)(c) after “section 137B(1A)” insert “or section 137CB(4)”;
- (d) in paragraph (1)(d) after “section 137B(1C)” insert “or section 137CB(6)”;
- (e) in paragraph (1)(e) after “section 137B(3)” insert “or section 137CB(9)”;
- (f) in paragraph (1)(f) after “section 137B(4)” insert “or section 137CB(10)”;
- (g) in paragraph (1)(g) after “section 137C(1)” insert “or section 137CC(2)”.

(2) In the appendix, for Forms 17A.1-A, 17A.1-B, 17A.1-C, 17A.1-D, 17A.1-E, 17A.1-F and 17A.1-G substitute respectively Forms 17A.1-A, 17A.1-B, 17A.1-C, 17A.1-D, 17A.1-E, 17A.1-F and 17A.1-G set out in Part 1 of the Schedule to this Act of Adjournal.

Witness anonymity orders

4.—(1) After Chapter 22 (evidence of vulnerable witnesses)(c) insert—

“CHAPTER 22A WITNESS ANONYMITY ORDERS

Application for witness anonymity order

22A.1. An application under section 271P of the Act of 1995(d) for a witness anonymity order shall be in Form 22A.1.

Notice of application in summary proceedings

22A.2. Notice for the purpose of section 271Q(2) of the Act of 1995 shall be in Form 22A.2.

Discharge and variation of witness anonymity order

22A.3. An application under section 271U(3)(a) of the Act of 1995 to discharge or vary a witness anonymity order shall be made—

- (a) by motion, at any hearing; or
- (b) in Form 22A.3, at any other time.

Appeals

22A.4.—(1) Any appeal mentioned in section 271V of the Act of 1995 must be taken not later than seven days after the decision.

(2) The appeal shall thereafter be treated procedurally, so far as possible—

- (a) in solemn proceedings, as if it were an appeal under section 74(1) of the Act of 1995;

(a) Rule 17A.1 was inserted by S.S.I. 2009/144.

(b) Sections 137CA to 137CC inserted by section 61 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(c) Chapter 22 substituted by S.S.I. 2005/188, last amended by S.S.I. 2006/76.

(d) Sections 271N to 271Z inserted by section 90 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(b) in summary proceedings, as if it were an appeal under section 174(1) of the Act of 1995.”.

(2) In the appendix after Form 22.15 insert the forms set out in Part 2 of the Schedule to this Act of Adjournal.

Extradition

5. After rule 34.1 (interpretation of this Chapter)(a) insert—

“Provisional arrest

34.1A.—(1) Notice of an application under section 6(3A) of the Act of 2003(b) must be given to the arrested person by giving him or her, or his or her solicitor, a letter to that effect.

(2) Such notice must be given before the hearing at which the application is to be made.”.

Reporting restrictions, regulation of investigatory powers and control of dogs

6.—(1) After Chapter 55 (recovery orders under section 27K(3) of the Civic Government (Scotland) Act 1982)(c) insert the following chapters—

“CHAPTER 56

REPORTING RESTRICTIONS UNDER THE CONTEMPT OF COURT ACT 1981

Interpretation

56.1. In this Chapter “the 1981 Act” means the Contempt of Court Act 1981(d).

Notification of reporting restrictions etc.

56.2.—(1) Paragraph (2) applies where a court makes an order under section 4(2) of the 1981 Act.

(2) The clerk shall immediately arrange—

- (a) for a copy of the order to be sent to those persons who have asked to see any such orders made in the Scottish courts as they are made and whose names are on the list kept by the Lord Justice General for that purpose;
- (b) for the publication of the making of the order on the website used to provide official information about the Scottish courts.

Applications for variation or revocation

56.3.—(1) A person aggrieved by the terms of an order made under section 4(2) of the 1981 Act may apply to the court that made the order for its variation or revocation.

(2) An application shall be in Form 56.3.

(3) On an application being lodged the court shall—

- (a) appoint a hearing on the application;

(a) Chapter 34 was substituted by S.S.I. 2004/346.

(b) Section 6(3A) was substituted by section 77 of the Policing and Crime Act 2009 (c.26).

(c) Chapter 55 was inserted by S.S.I. 2010/184.

(d) 1981 c.49.

- (b) intimate the date and time of the hearing, together with a copy of the application, to the parties to the proceedings.
- (4) The hearing shall—
 - (a) unless there are exceptional circumstances or a later date is requested by the applicant, take place within 48 hours of the application being lodged;
 - (b) so far as reasonably practicable, be before the judge who made the order.
- (5) The decision of the judge is final.

CHAPTER 57

REGULATION OF INVESTIGATORY POWERS ACT 2000

Interpretation

57.1. In this Chapter “the 2000 Act” means the Regulation of Investigatory Powers Act 2000(a).

Disclosed information: hearing

57.2.—(1) This rule applies where a prosecutor of a case has had disclosed to him or her information under section 18(7)(a) of the 2000 Act and considers it appropriate to invite the judge to order disclosure in terms of section 18(7)(b) of the 2000 Act.

- (2) The prosecutor may request a hearing before the judge.
- (3) A request for a hearing under paragraph (2)—
 - (a) may be made at any time, either verbally or in writing;
 - (b) shall be to either the Clerk of Justiciary or the clerk of court, whoever being more appropriate in the circumstances.
- (4) The hearing shall be—
 - (a) in court;
 - (b) in private.
- (5) In paragraph (4), “private” means outwith the presence of any person (including, in a trial, the accused, his representatives and the jury) except the judge, the prosecutor and any other person whose presence the judge considers necessary for the proper determination of the matter.
- (6) The hearing shall be recorded by mechanical means as if it were a trial in solemn proceedings.
- (7) Paragraph (8) applies where the prosecutor indicates that information disclosed during the hearing has a particular status under any scheme operated by the United Kingdom Government for the protection of sensitive information.
- (8) The record of the hearing and any retained documents shall be stored by the court in accordance with the security measures which the scheme stipulates for information of that status.

(a) 2000 c.23.

CHAPTER 58
CONTROL OF DOGS (SCOTLAND) ACT 2010

Interpretation

58.1. In this Chapter “the 2010 Act” means the Control of Dogs (Scotland) Act 2010(a).

Application for discharge of disqualification

58.2.—(1) Paragraph (2) applies where a person has been disqualified by virtue of section 5(2)(a) of the 2010 Act.

(2) An application for the discharge of the disqualification under section 11(3) of the 2010 Act shall be made by petition in Form 58.2.

Appeal to the High Court

58.3. An appeal to the High Court under section 11(4) of the 2010 Act shall be made by lodging a note of appeal in Form 58.3.

Hearing and intimation

58.4. On an application or appeal being lodged the court shall—

- (a) appoint a hearing on the application or appeal;
- (b) make an order for service of the application, or appeal, with the date and time of the hearing on all parties.”.

(2) In the appendix, at the end insert the forms set out in Part 3 of the Schedule to this Act of Adjournal.

A.C.HAMILTON
Lord Justice General
I.P.D.

Edinburgh
10th March 2011

(a) 2010 asp 9.

SCHEDULE

PART 1

Paragraph 3(2)

Form 17A.1-A

Rule 17A.1(1)(a)

Application for transfer of proceedings under section 137A(1) [*or* 137CA(2)] of the Criminal Procedure (Scotland) Act 1995

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) [*or* UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*)]

AT (*place*)

APPLICATION

under section 137A(1) [*or* 137CA(2)] of the Criminal Procedure (Scotland) Act 1995

by

THE PROCURATOR FISCAL (*place*)

HUMBLY SHEWETH:

1. That [A.B.] has been cited in summary proceedings to attend at the sheriff court [*or* JP court] of (*place*) on (*date*) [*or* That summary proceedings against [A.B.] were commenced in the sheriff court [*or* JP court] of (*place*) on (*date*)].
2. That the applicant seeks to transfer the proceedings to the sheriff court [*or* JP court] of (*place*) for the following reasons: (*here narrate reasons*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP [*OR* THE COURT]—

- (a) under section 137A(2) [*or* 137CA(3)] of the Criminal Procedure (Scotland) Act 1995 to order that the said proceedings be transferred to the sheriff court [*or* JP court] of (*place*);
- (b) to adjourn said proceedings to a diet of the sheriff court [*or* JP court] of (*place*) on (*date*) at (*time*);
- (c) where any future diet has been fixed in the sheriff court [*or* JP court] of (*place*) to discharge that diet;
- (d) to order that the accused be cited or ordained to appear as appropriate; and
- (e) where appropriate, to order intimation of the change of diet to the accused.

IN RESPECT WHEREOF

(Signed)

Procurator Fiscal

(Name, place and date)

Form 17A.1-B

Rule 17A.1(1)(b)

Application for transfer of proceedings under section 137B(1) [*or* 137CB(2)] of the
Criminal Procedure (Scotland) Act 1995

UNTO THE HONOURABLE THE SHERIFF PRINCIPAL OF (*name of sheriffdom*)

AT (*place*)

APPLICATION

under section 137B(1) [*or* 137CB(2)] of the Criminal Procedure (Scotland) Act 1995

by

THE PROCURATOR FISCAL (*place*)

HUMBLY SHEWETH:

1. That the sheriff clerk [*or* clerk of the JP court] at (*place*) has informed the applicant that, because of exceptional circumstances which could not reasonably have been foreseen, it is not practicable for the sheriff court [*or* JP court] of (*place*) or any other sheriff court [*or* JP court] in the sheriffdom of (*place*) to proceed with the summary cases listed in the attached annex due to call at the sheriff court [*or* JP court] of (*place*) on (*date*).
2. That the applicant seeks an order transferring the summary proceedings listed in the attached annex to the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*) for the following reasons: (*here narrate reasons*).
3. That the sheriff principal of (*place*) consents to this application.

MAY IT THEREFORE PLEASE YOUR LORDSHIP—

- (a) under section 137B(2) [*or* 137CB(7)] of the Criminal Procedure (Scotland) Act 1995 and with the consent of the sheriff principal of (*place*) to order that the summary proceedings listed in the attached annex be transferred to the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*);
- (b) to adjourn said proceedings to a diet of the sheriff court [*or* JP court] of (*place*) on (*date*) at (*time*);
- (c) to discharge any future diet(s) in the sheriff court [*or* JP court] of (*place*);
- (d) to order that the accused be cited or ordained to appear as appropriate; and
- (e) where appropriate, to order intimation of the change of diet to the accused.

IN RESPECT WHEREOF

(Signed)

Procurator Fiscal

(Name, place and date)

Form 17A.1-C

Rule 17A.1(1)(c)

Application for transfer of proceedings under section 137B(1A) [*or* 137CB(4)] of the Criminal Procedure (Scotland) Act 1995

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) [*or* UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*)]

AT (*place*)

APPLICATION

under section 137B(1A) [*or* 137CB(4)] of the Criminal Procedure (Scotland) Act 1995

by

THE PROCURATOR FISCAL (*place*)

HUMBLY SHEWETH:

1. That [A.B.] has been cited in summary proceedings to attend at the sheriff court [*or* JP court] of (*place*) on (*date*) [*or* That summary proceedings against [A.B.] were commenced at the sheriff court [*or* JP court] of (*place*) on (*date*)].
2. That there are also summary proceedings against [A.B.] in the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*).
3. That it would be expedient for the different cases involved to be dealt with by the same court for the following reasons: (*here narrate reasons*).
4. That the Sheriff (*or* Justice) (*name*) of the sheriffdom of (*place*) consents to this application.

MAY IT THEREFORE PLEASE YOUR LORDSHIP [*OR* THE COURT]—

- (a) under section 137B(2A) [*or* 137CB(8)] of the Criminal Procedure (Scotland) Act 1995 and with the consent of the Sheriff (*or* Justice) (*name*) of the sheriffdom of (*place*) to order that the summary proceedings against [A.B.] be transferred from the sheriff court [*or* JP court] of (*place*) to the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*);
- (b) to adjourn said proceedings to a diet of the sheriff court [*or* JP court] of (*place*) on (*date*) at (*time*);
- (c) where any future diet has been fixed in the sheriff court [*or* JP court] of (*place*) to discharge that diet;
- (d) to order that the accused be cited or ordained to appear as appropriate; and
- (e) where appropriate, to order intimation of the change of diet to the accused.

IN RESPECT WHEREOF

(Signed)

Procurator Fiscal

(Name, place and date)

Form 17A.1-D

Rule 17A.1(1)(d)

Application for transfer of proceedings under section 137B(1C) [*or* 137CB(6)] of the
Criminal Procedure (Scotland) Act 1995

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) [*or* UNTO
THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*)]

AT (*place*)

APPLICATION

under section 137B(1C) [*or* 137CB(6)] of the Criminal Procedure (Scotland) Act 1995

by

THE PROCURATOR FISCAL (*place*)

HUMBLY SHEWETH:

1. That the Applicant intends to take summary proceedings against [A.B.] in the sheriff court [*or* JP court] of (*place*).
2. That there are also summary proceedings against [A.B.] in the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*).
3. That it would be expedient for the different cases involved to be dealt with by the same court for the following reasons: (*here narrate reasons*).
4. That the Sheriff (*or* Justice) (*name*) of the sheriffdom of (*place*) consents to this application.

MAY IT THEREFORE PLEASE YOUR LORDSHIP [*OR* THE COURT]—

under section 137B(2A) [*or* 137CB(8)] of the Criminal Procedure (Scotland) Act 1995 and with the consent of the Sheriff (*or* Justice) (*name*) of the sheriffdom of (*place*) to grant authority that the said intended summary proceedings against [A.B.] be taken at the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*) at (*time*);

IN RESPECT WHEREOF

(*Signed*)

Procurator Fiscal

(*Name, place and date*)

Form 17A.1-E

Rule 17A.1(1)(e)

Application for revocation or variation of order under section 137B(3) [or 137CB(9)]
of the Criminal Procedure (Scotland) Act 1995

UNTO THE HONOURABLE THE SHERIFF PRINCIPAL OF (*name of sheriffdom*)

AT (*place*)

APPLICATION

under section 137B(3) [or 137CB(9)] of the Criminal Procedure (Scotland) Act 1995

by

THE PROCURATOR FISCAL (*place*)

HUMBLY SHEWETH:

1. That on (*date of order*) your Lordship made an order under section 137B(2) [or 137CB(7)] of the Criminal Procedure (Scotland) Act 1995 transferring the summary proceedings listed in the attached annex to the sheriff court [or JP court] of (*place*) and did adjourn said proceedings to a diet of that court on (*date*) at (*time*).
2. That the applicant seeks to revoke [or vary] that order for the following reasons: (*here narrate circumstances justifying revocation or variation of order and narrate variation sought*).
3. That the sheriff principal of (*place*) consents to this application.

MAY IT THEREFORE PLEASE YOUR LORDSHIP—

- (a) under section 137B(3) [or 137CB(9)] of the Criminal Procedure (Scotland) Act 1995 and with the consent of the sheriff principal of (*place*) to revoke [or vary] said order made on (*date*); and
- (b) to order that the summary proceedings listed in the attached annex be transferred or further adjourned to the sheriff court [or JP court] of (*place*) in the sheriffdom of (*place*) at (*time*);
- (c) where any future diet has been fixed to discharge that diet;
- (d) to order that the accused be cited or ordained to appear as appropriate; and
- (e) where appropriate, to order intimation of the change of diet to the accused.

IN RESPECT WHEREOF

(*Signed*)

Procurator Fiscal

(*Name, place and date*)

Form 17A.1-F

Rule 17A.1(1)(f)

Application for revocation or variation of order under section 137B(4) [*or* 137CB(10)] of the Criminal Procedure (Scotland) Act 1995

UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) [*or* UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*)]

AT (*place*)

APPLICATION

under section 137B(4) [*or* 137CB(10)] of the Criminal Procedure (Scotland) Act 1995

by

THE PROCURATOR FISCAL (*place*)

HUMBLY SHEWETH:

1. That on (*date*) your Lordship [*or* Honour] made an order with the consent of Sheriff [*or* Justice] (*name*) of the sheriffdom of (*place*) under section 137B(2A) [*or* 137CB(8)] of the Criminal Procedure (Scotland) Act 1995 transferring summary proceedings against [A.B.] in the sheriff court [*or* JP court] of (*place*) to the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*) and did adjourn said proceedings to a diet of that court on (*date*) [*or* That on (*date*) your Lordship [*or* Honour] made an order with the consent of Sheriff [*or* Justice] (*name*) of the sheriffdom of (*place*) under section 137B(2A) [*or* 137CB(8)] of the Criminal Procedure (Scotland) Act 1995 for authority for summary proceedings against [A.B.] to be taken at the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*).].
2. That the applicant seeks to revoke [*or* vary] that order for the following reasons: (*here narrate circumstances justifying revocation or variation of order and narrate variation sought*).
3. That the Sheriff [*or* Justice] (*name*) of the sheriffdom of (*place*) consents to this application.

MAY IT THEREFORE PLEASE YOUR LORDSHIP [*OR* THE COURT]—

- (a) under section 137B(4) [*or* 137CB(10)] of the Criminal Procedure (Scotland) Act 1995 and with the consent of the Sheriff [*or* Justice] (*name*) of the sheriffdom of (*place*) to revoke [*or* vary] said order made on (*date*);
- (b) to order that the summary proceedings be transferred or further adjourned to the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*) at (*time*);
- (c) where any future diet has been fixed to discharge that diet;
- (d) to order that the accused be cited or ordained to appear as appropriate; and
- (e) where appropriate, to order intimation of the change of diet to the accused.

IN RESPECT WHEREOF

(Signed)

Procurator Fiscal

(Name, place and date)

Form 17A.1-G

Rule 17A.1(1)(g)

Application for transfer of summary custody proceedings under section 137C(1) [*or* 137CC(2)] of the Criminal Procedure (Scotland) Act 1995

UNTO THE HONOURABLE THE SHERIFF PRINCIPAL OF (*name of sheriffdom*)

APPLICATION

under section 137C(1) [*or* 137CC(2)] of the Criminal Procedure (Scotland) Act 1995

by

THE PROCURATOR FISCAL (*place*)

HUMBLY SHEWETH:

1. That because of the following exceptional circumstances it is likely that there would be an unusually high number of accused persons appearing from custody for the first calling of cases in summary prosecutions in the sheriff courts [*or* JP courts] in the sheriffdom of (*place*): (*here narrate circumstances with reference, if appropriate, to a particular period*).
2. That it would not be practicable for those courts to deal with all the cases involved.
3. That the sheriff principal of (*place*) consents to this application.

MAY IT THEREFORE PLEASE YOUR LORDSHIP—

- (a) under section 137C(3) [*or* 137CC(3)] of the Criminal Procedure (Scotland) Act 1995 and with the consent of the sheriff principal of (*place*) to order that no more than (*insert number of diets*) will call in the sheriff court [*or* JP court] of (*place*) in the sheriffdom of (*place*) and that all other of the summary proceedings against persons appearing from custody which would ordinarily call in the sheriff courts [*or* JP courts] in the sheriffdom of (*place*) be taken at the sheriff court [*or* JP court] of (*place*) and then maintained there [*or* at any sheriff court [*or* JP court] within the sheriffdom of (*place*) as may at the first calling of the case be appointed for further proceedings];
- (b) to order that the accused be cited or ordained to appear as appropriate to the court where the case is to call;
- (c) where appropriate, to order intimation of the change of diet to the accused; and
- (d) (*here specify, if appropriate, particular period or particular circumstances for which order is to have effect*).

IN RESPECT WHEREOF

(*Signed*)

Procurator Fiscal

(*Name, place and date*)

Form 22A.1

Rule 22A.1

Form of witness anonymity order application under section 271P of the Criminal Procedure (Scotland) Act 1995

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

[or UNTO THE HONOURABLE THE SHERIFF

OF (name of sheriffdom) AT (place)]

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT

OF (name of sheriffdom) AT (place)]

APPLICATION

by

(name)

(address)

APPLICANT

Prosecution reference:

Court reference:

HUMBLY SHEWETH, that:

1. [A.B.], [along with name(s) of co-accused] has been indicted at the instance of Her Majesty's Advocate [or has been charged in a summary complaint at the instance of the procurator fiscal].
2. The applicant has cited or intends to cite a witness in these proceedings and, having regard to the conditions provided for by section 271R of the Act of 1995, considers it necessary to apply to the court for a witness anonymity order in respect of the witness.
3. The applicant seeks a witness anonymity order in terms of section 271N of the Act of 1995 (here specify any particular measures sought in the order).

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [OR THE COURT] to determine this application in accordance with section 271Q of the Act of 1995.

IN RESPECT WHEREOF

(Signed)

Applicant (or agent for the applicant)

Form 22A.2

Rule 22A.2

Form of notice of application for witness anonymity order in summary proceedings
under section 271Q(2) of the Criminal Procedure (Scotland) Act 1995

Prosecution reference:

Court reference:

TAKE NOTICE:

That in the proceedings: (*specify*)

The procurator fiscal [*or the accused*] intends to make an application to the court under
section 271P of the Act of 1995 for a witness anonymity order under section 271N of the Act of
1995 prior to the intermediate diet [*or trial diet*].

(*Signed*)

Procurator Fiscal
[*or Accused [or legal representative of accused]*]
(*address and telephone number*)

Form 22A.3

Rule 22A.3(b)

Form of application for discharge or variation of witness anonymity order under section 271U(3)(a) of the Criminal Procedure (Scotland) Act 1995

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

[*or* UNTO THE HONOURABLE THE SHERIFF

OF (*name of sheriffdom*) AT (*place*)]

[*or* UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT

OF (*name of sheriffdom*) AT (*place*)]

APPLICATION

by

(*name*)

(*address*)

APPLICANT

Prosecution reference:

Court reference:

HUMBLY SHEWETH, that:

1. On (*date*) the High Court [*or* Sheriff] [*or* Justices] at (*place*) made a witness anonymity order under section 271N of the Act of 1995 in the proceedings (*specify*).
2. The applicant seeks the discharge [*or* variation] [*or* further variation] of the order for the following reasons: (*here state the material change in circumstances since the order was made or previous application to discharge or vary the order was considered*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [*OR* THE COURT] to fix a hearing to consider this application.

IN RESPECT WHEREOF

(*Signed*)

Applicant (*or agent for the applicant*)

Form 56.3

Rule 56.3(2)

Form of application for variation or revocation of an order made under section 4(2) of the Contempt of Court Act 1981

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

[*or* UNTO THE HONOURABLE THE SHERIFF

OF (*name of sheriffdom*) AT (*place*)]

[*or* UNTO THE JUSTICES in the JUSTICES OF THE PEACE COURT

OF (*name of sheriffdom*) AT (*place*)]

APPLICATION

by

(*name*)

(*address*)

APPLICANT

HUMBLY SHEWETH, that:

1. On (*date*) the High Court [*or* Sheriff] [*or* Justices] at (*place*) made an order under section 4(2) of the Contempt of Court Act 1981 in the proceedings (*name of case and court reference if known*).
2. The applicant seeks the variation or revocation of the order for the following reasons:- (*here state reasons*)

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [*OR* THE COURT] to fix a hearing to consider this application.

IN RESPECT WHEREOF

(*Signed*)

Applicant [*or legal representative of the applicant*]
(*address, e-mail address and telephone number*)

Note:

If a hearing is not required within 48 hours of the application being lodged specify this in the application.

Form 58.2

Rule 58.2(2)

Form of application for discharge of disqualification under section 11(3) of the
Control of Dogs (Scotland) Act 2010

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

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

[*or* UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT
OF (*name of sheriffdom*) AT (*place*)]

APPLICATION

by

(*name*)

(*address*)

APPLICANT

HUMBLY SHEWETH, that:

1. On (*date*) the High Court [*or* Sheriff] [*or* Justices] at (*place*) convicted the applicant of an offence under section 5(1) of the Control of Dogs (Scotland) Act 2010.
2. The court ordered the applicant be disqualified from owning or keeping a dog for a period of (*specify*).
3. It has been, at least, one year since the disqualification was imposed.
4. The applicant seeks to have the disqualification discharged for the following reasons:-
(*here state reasons*)

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [*OR* THE COURT] to fix a hearing to consider this application.

IN RESPECT WHEREOF

(*Signed*)

Applicant (*or agent for the applicant*)

Form 58.3

Rule 58.3

Form of appeal under section 11(4) of the Control of Dogs (Scotland) Act 2010

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

NOTE OF APPEAL

by

(specify)

(address)

APPLICANT

HUMBLY SHEWETH, that:

1. On *(date)* the High Court [*or* Sheriff] [*or* Justices] at *(place)* declined to discharge the disqualification it imposed on the applicant, under section 5(2)(a) of the Control of Dogs (Scotland) Act 2010, on *(date)*.
2. The applicant appeals against that decision on the following grounds:- *(specify)*

ACCORDING TO JUSTICE, ETC.

(Signed)

Applicant *(or agent for the applicant)*

EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules 1996.

Paragraph 2 amends rule 8.2(5) (citation of accused and witnesses) and related forms in consequence of the commencement of sections 65 to 68 (prosecution of organisations) of the Criminal Justice and Licensing (Scotland) Act 2010 (the 2010 Act).

Paragraph 3 amends rule 17A.1 (transfer of summary proceedings) and related forms in consequence of the commencement of section 61 (transfer of justice of the peace court cases) of the 2010 Act.

Paragraph 4 inserts new Chapter 22A (witness anonymity orders) and related forms in consequence of the commencement of section 90 of the 2010 Act.

Paragraph 5 insert new rule 34.1A in respect of provisional arrests under the Extradition Act 2003.

Paragraph 6 inserts new Chapter 56 (reporting restrictions under the Contempt of Court Act 1981); new Chapter 57 (Regulation of Investigatory Powers Act 2000); new Chapter 58 (Control of Dogs (Scotland) Act 2010); and related forms.

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2011 No. 194

HIGH COURT OF JUSTICIARY

SHERIFF COURT

JUSTICE OF THE PEACE COURT

Act of Adjournal (Criminal Procedure Rules Amendment No. 3)
(Miscellaneous) 2011