
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 245

**HIGH COURT OF JUSTICIARY
SHERIFF APPEAL COURT
SHERIFF COURT
JUSTICE OF THE PEACE COURT**

**Act of Adjournal (Criminal Procedure Rules 1996
Amendment) (No. 4) (Sheriff Appeal Court) 2015**

<i>Made</i>	- - - -	<i>4th June 2015</i>
<i>Laid before Parliament</i>		<i>8th June 2015</i>
<i>Coming into force</i>	- -	<i>22nd September 2015</i>

The High Court of Justiciary makes this Act of Adjournal under the powers conferred by section 305 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾, and all other powers enabling it to do so.

Citation and commencement etc.

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No. 4) (Sheriff Appeal Court) 2015.

(2) It comes into force on 22nd September 2015.

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

Amendment of Chapter 19 of the Criminal Procedure Rules 1996

2.—(1) Chapter 19 (appeals from summary proceedings) of the Criminal Procedure Rules 1996⁽²⁾ is amended in accordance with this paragraph.

(2) In rule 19.1 (appeals relating to preliminary pleas)⁽³⁾—

(a) in each of paragraphs (6)(c), (7), (8), (9), (11) and (12) for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”;

(1) 1995 c. 46.

(2) The Criminal Procedure Rules 1996 are in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2015/201). Chapter 19 was last amended by S.S.I. 2012/187.

(3) Rule 19.1 was amended by S.S.I. 2012/125.

- (b) in each of paragraphs (8) and (9), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- (3) In rule 19.5 (abandonment of appeals by stated case), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (4) In rule 19.6 (abandoning appeals against conviction only), in each of paragraphs (4) and (5), for “Clerk of Justiciary” in each place where it occurs substitute “Clerk of the Sheriff Appeal Court”.
- (5) In rule 19.8 (intimation of abandonment), for “Clerk of Justiciary” in each place where it occurs substitute “Clerk of the Sheriff Appeal Court”.
- (6) In rule 19.9 (applications for suspension of disqualification from driving in appeals)—
 - (a) in each of paragraphs (1), (3), (7), (8) and (10), for “High Court” substitute “Sheriff Appeal Court”;
 - (b) in each of paragraphs (4), (6), (8) and (9), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”;
 - (c) in paragraph (10), for “judge of the High Court” substitute “Appeal Sheriff”.
- (7) In rule 19.10 (applications for suspension of disqualification from driving in bills of suspension), in paragraphs (2)(b)(ii) and (3) for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (8) In rule 19.10A (suspension of sentence under section 193A of the Act of 1995)(4)—
 - (a) in each of paragraphs (1) and (3)(a) and (b), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”;
 - (b) in each of paragraphs (3)(a) and (b), for “Crown Agent” substitute “prosecutor”.
- (9) For rule 19.11 (solicitor entering appearance etc.) substitute—

“Solicitor entering appearance etc.

- 19.11.**—(1) The solicitor for the appellant or the appellant, if unrepresented, must enter appearance—
- (a) at the same time as lodging a stated case in accordance with section 179(9); or
 - (b) within 7 days after the Clerk of the Sheriff Appeal Court intimates that leave to appeal has been granted in accordance with section 187(9)(a).
- (2) Appearance is entered by lodging Form 19.11–A with the Clerk of the Sheriff Appeal Court.
- (3) Where an appellant is represented by a solicitor who does not practise in Edinburgh, that solicitor may appoint a solicitor who practises in Edinburgh to carry out the duties of solicitor for the appellant.
- (4) If there is a change in representation of an appellant, the new solicitor for the appellant or the appellant, if unrepresented, must lodge Form 19.11–B with the Clerk of the Sheriff Appeal Court within 7 days of that change in representation.
- (5) A change in representation occurs where—
- (a) an unrepresented appellant instructs a solicitor;
 - (b) an appellant dismisses the appellant’s solicitor and—
 - (i) instructs another solicitor; or
 - (ii) intends to conduct the appeal in person.”.

(4) Rule 19.10A was inserted by [S.I. 1997/1834](#).

- (10) In rule 19.12 (duty to print stated case etc.)(5)—
- (a) in each of paragraphs (1)(b) and (c), (2), (3) and (4), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”;
 - (b) in paragraph (3), for “Justiciary Roll” substitute “Criminal Appeal Roll”.
- (11) In rule 19.14 (list of appeals)(6)—
- (a) for paragraph (1) substitute—
 - “(1) The Clerk of the Sheriff Appeal Court shall, after consultation with the President of the Sheriff Appeal Court, issue a list of appeals with the respective dates of hearing on the Criminal Appeal Roll.”;
 - (b) in paragraph (2), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (12) In rule 19.15 (diet for interim suspension)—
- (a) in paragraph (a)—
 - (i) for “judge” substitute “Appeal Sheriff”;
 - (ii) for “counsel for each party” substitute “the parties”;
 - (b) in paragraph (b), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (13) In rule 19.16(1) (intimation of determination of appeal), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (14) In rule 19.17 (suspension of disqualification etc. under section 193 of the Act of 1995)(7), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- (15) In rule 19.18 (remits in applications for leave to appeal)(8), for “judge of the High Court” substitute “Appeal Sheriff”.
- (16) For rule 19.18A (presentation of summary conviction appeals in writing)(9) substitute—

“Presentation of summary conviction appeals in writing

19.18A.—(1) Where the Sheriff Appeal Court considers that the circumstances of the case require it, it may direct that this rule and rule 19.18B apply to an appeal under section 175(2) (a) or (d) of the Act of 1995.

- (2) Where in relation to any ground of appeal an appellant seeks to lead evidence—
- (a) this rule applies to that ground of appeal only in relation to the question of whether that evidence should be led;
 - (b) the court may nevertheless make an order containing provision similar to this rule in relation to the presentation of submissions following the hearing of that evidence.
- (3) The appellant must, within 42 days of the granting of leave to appeal in accordance with section 180 of the Act of 1995, lodge a case and argument.
- (4) A case and argument must—
- (a) set out, for each ground of appeal, a succinct and articulate statement of the facts founded upon and the propositions of law being advanced;
 - (b) contain an estimate of how long will be required for the hearing of the appeal; and
 - (c) be signed—

(5) Rule 19.12 was amended by [S.S.I. 2004/346](#).

(6) Rule 19.14 was last amended by [S.S.I. 2012/187](#).

(7) Rule 19.17 was amended by [S.S.I. 1997/1788](#).

(8) Rule 19.18 was inserted by [S.I. 1996/2147](#).

(9) Rule 19.18A was inserted by [S.S.I. 2010/309](#).

- (i) by the solicitor or counsel representing the appellant in the appeal; or
 - (ii) where the appellant intends to conduct the appeal personally, by the appellant.
- (5) A case and argument must, when lodged, be accompanied by—
- (a) all documents, or a copy thereof, referred to or founded upon in the case and argument and not already lodged in the appeal process; and
 - (b) all authorities, or a copy thereof, listed in the case and argument and not contained within a publication specified by the Lord Justice General by direction.
- (6) The prosecutor—
- (a) may lodge a case and argument in response to the appellant’s case and argument if the prosecutor considers it appropriate;
 - (b) must do so if the court, considering that the circumstances of the case require it, orders the prosecutor to do so.
- (7) Where the court makes an order under paragraph (6)(b), the prosecutor must lodge the case and argument within 21 days of the making of that order.
- (8) At the same time as a case and argument is lodged, a copy of it and all accompanying documents must be sent to the other party to the appeal.
- (9) Where the Clerk of the Sheriff Appeal Court considers a case and argument to be unduly lengthy, the matter is to be referred to an Appeal Sheriff who is to give such directions as are considered appropriate.
- (10) Where a case and argument is not lodged timeously, the Clerk of the Sheriff Appeal Court is to refer the matter to the President of the Sheriff Appeal Court, whom failing the Vice President of the Sheriff Appeal Court, for such action as is considered appropriate.
- (11) The court may, on the application of the relevant party and on cause shown, extend the period for lodging a case and argument.

Hearing of appeal presented in writing

- 19.18B.**—(1) This rule applies to the hearing of an appeal where a case and argument has been lodged by the appellant in accordance with rule 19.18A(3).
- (2) At the hearing of the appeal—
- (a) the appellant’s case and argument and supporting documents constitute the principal submissions of the appellant;
 - (b) unless it otherwise directs, the court will expect the appellant to rely on the case and argument without reading it over to the court;
 - (c) the appellant may, subject to the control of the court, make supplementary comment to the case and argument;
 - (d) the appellant may respond to any case and argument lodged by the prosecutor; and
 - (e) the appellant is to answer any points raised by the court.
- (3) Where the prosecutor lodges a case and argument, paragraph (2) applies with the necessary modifications to the prosecutor as it applies to the appellant.
- (4) The appellant and the prosecutor have a duty to co-operate with each other and the court to ensure the completion of the hearing within the time allocated by the court.
- (5) The court may, at any point during the hearing, set a timetable for the completion by a party of any submissions permitted in terms of paragraph (2)(b), (c), (d) or (e).

(6) On cause shown, the court may permit the appellant to introduce new information that has come to light in the period since the case and argument was lodged.

(7) Where the court permits the introduction of new information, it may at its discretion permit the lodging of additional documents in support of the new information.

(8) An appellant who wishes to introduce new information and lodge additional documents must send a copy of the information and documents to the Clerk of the Sheriff Appeal Court and the prosecutor as soon as the information and documents come into the appellant's possession.

(9) An appellant who has sent new information and documents to the Clerk of the Sheriff Appeal Court must apply at the bar to allow it to be introduced or lodged, as the case may be.”.

(17) In rule 19.19 (presentation of summary sentence appeal in writing)(10)—

(a) in paragraph (3)(a), for “Form 19.18” substitute “Form 19.19”;

(b) for paragraph (4) substitute—

“(4) The case and argument referred to in paragraph (3) shall be signed—

(a) by the solicitor or counsel representing the appellant in the appeal; or

(b) where the appellant intends to conduct the appeal personally, by the appellant.”;

(c) in each of paragraphs (8) and (9), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”;

(d) in paragraph (10)—

(i) for “Deputy Principal Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”;

(ii) for “Lord Justice-General” in each place where it occurs substitute “President of the Sheriff Appeal Court”;

(iii) for “Lord Justice-Clerk” in each place where it occurs substitute “Vice President of the Sheriff Appeal Court”.

Amendment of the Criminal Procedure Rules 1996: appeals etc. from Sheriff Appeal Court

3. After Chapter 19C (risk assessment) of the Criminal Procedure Rules 1996(11), insert—

“PART IVA

APPEALS AND REFERRALS FROM SHERIFF APPEAL COURT

CHAPTER 19D

REFERRAL OF POINT OF LAW FOR OPINION OF THE HIGH COURT OF JUSTICIARY

Interpretation of this Chapter

19D.1. In this Chapter—

“appeal document” has the meaning given by rule 19E.3(2);

“reference” means a reference made by the Sheriff Appeal Court to the High Court for its opinion on a point of law under section 175A(1) of the Act of 1995.

(10) Rule 19.19 was inserted by [S.S.I. 2003/387](#) and last amended by [S.S.I. 2012/187](#).

(11) The Criminal Procedure Rules 1996 are in Schedule 2 to the Act of Adjournment (Criminal Procedure Rules) 1996 ([S.I. 1996/513](#), last amended by [S.S.I. 2015/201](#)). Chapter 19C was inserted by [S.S.I. 2006/302](#).

Notice of intention to seek reference

19D.2.—(1) Where a party to the appeal proceedings applies to the Sheriff Appeal Court to make a reference, that party must give notice of intention to do so to the Clerk of the Sheriff Appeal Court and to every other party.

(2) A record of that notice is to be entered in the minute of proceedings.

(3) On receiving notice—

(a) the court is to fix a diet at which parties may be heard on the application for a reference;

(b) the Clerk of the Sheriff Appeal Court must give every party to the appeal proceedings notice of the date, time and place of the diet.

Reference proposed by the Sheriff Appeal Court on its own initiative

19D.3.—(1) Where the Sheriff Appeal Court proposes to make a reference on its own initiative, it is to fix a diet at which parties may be heard on the question of whether a reference should be made.

(2) The Clerk of the Sheriff Appeal Court must give every party to the appeal proceedings notice of—

(a) the intention of the court to make a reference; and

(b) the date, time and place of the diet.

(3) A record of that notice is to be entered in the minute of proceedings.

Preparation of a reference

19D.4.—(1) After hearing parties, where the court grants an application for a reference or decides to make a reference on its own initiative, the court is to—

(a) give reasons for that decision and cause those reasons to be recorded in the minute of proceedings;

(b) continue the proceedings from time to time as necessary for the purposes of the reference to the High Court.

(2) The reference is to be drafted—

(a) in Form 19D.4 unless the court directs otherwise;

(b) in accordance with directions given by the court to the parties about the manner in which and by whom the reference is to be drafted and adjusted.

(3) The reference may be further adjusted to take account of any adjustments required by the court.

(4) After approval by the court, the Clerk of the Sheriff Appeal Court must transmit the reference to the Clerk of Justiciary, together with a certified copy of—

(a) the minute of proceedings;

(b) the complaint;

(c) the appeal document.

Procedure before the High Court

19D.5.—(1) On receipt of a reference, the High Court may make such order as it thinks fit in order to determine the reference, and in particular it may—

- (a) order that the reference be intimated on any person appearing to the High Court to have an interest, including the Lord Advocate;
- (b) order parties to lodge written submissions in such form and on such matters as it considers appropriate;
- (c) fix a diet at which parties may be heard on the reference.

(2) The Clerk of Justiciary must send to the Clerk of the Sheriff Appeal Court a certified copy of the opinion of the High Court on the reference, including any direction as to further procedure given in accordance with section 175A(3).

Procedure on receipt of opinion of the High Court

19D.6.—(1) When the Clerk of the Sheriff Appeal Court receives the opinion of the High Court, the clerk must lay the ruling before the Sheriff Appeal Court.

(2) The Sheriff Appeal Court is then to give directions as to further procedure.

(3) The Clerk of the Sheriff Appeal Court must give every party to the appeal proceedings—

- (a) notice of those directions;
- (b) a copy of the opinion of the High Court.

CHAPTER 19E

APPEALS TO HIGH COURT OF JUSTICIARY

Forms for appeals

19E.1.—(1) A note of appeal under section 194ZC(1) of the Act of 1995 (appeals: applications and procedure) is to be in Form 19E.1–A.

(2) The form of minutes of procedure in an appeal under section 194ZC(1) is to be in Form 19E.1–B.

Lodging of appeal

19E.2.—(1) The note of appeal is to be lodged with the Clerk of the Sheriff Appeal Court within the period specified in section 194ZB(4) of the Act of 1995, unless that period is extended by the High Court in accordance with section 194ZB(5).

(2) On receipt of the note of appeal, the Clerk of the Sheriff Appeal Court must—

- (a) send a copy of the note to the respondent or the respondent’s solicitor;
- (b) where the judgment of the Sheriff Appeal Court appealed against is not available, obtain it from the Sheriff Appeal Court.

(3) Within two weeks of receiving the note of appeal, the Clerk of the Sheriff Appeal Court must send—

- (a) the note of appeal, together with the documents specified in rule 19E.3(1), to the Clerk of Justiciary;
- (b) the judgment of the Sheriff Appeal Court appealed against to the appellant and respondent or their solicitors.

(4) Paragraph (3)(b) does not apply if the judgment was available when the note of appeal was lodged.

(5) The President of the Sheriff Appeal Court may, on cause shown, extend the period of two weeks specified in paragraph (3), and such an extension is to be in Form 19E.2.

Documents to be considered in determining an application for permission

19E.3.—(1) Where an application for permission is being considered and determined under section 194ZD of the Act of 1995, the following documents are specified for the purposes of section 194ZF(1)(c)(ii)—

- (a) the judgment of the Sheriff Appeal Court appealed against;
- (b) the minute of proceedings—
 - (i) in the Sheriff Appeal Court;
 - (ii) in the court in which the complaint was brought;
- (c) a certified copy of the complaint;
- (d) the appeal document;
- (e) any other relevant documents sent by the clerk of court to the Clerk of the Sheriff Appeal Court under section 179(8)(b) or section 186(4)(a);
- (f) any other documents that the Clerk of the Sheriff Appeal Court considers are relevant.

(2) In paragraph (1), “appeal document” means the document or documents by which the appeal to the Sheriff Appeal Court was instituted, that is in an appeal under the provision mentioned in the first column of the following table, the document or documents mentioned in the second column—

<i>Provision</i>	<i>Appeal document(s)</i>
Section 32(1) or (2)	The notice of appeal and the report mentioned in section 32(3B)(b), unless the sheriff court has determined the appeal without the report in accordance with section 32(3H)(b)
Section 175(2)(a) or (d) or (3)	The stated case
Section 175(2)(b), (c) or (cza) or (4)	The note of appeal and the report mentioned in section 186(3)(b), unless the Sheriff Appeal Court has determined the appeal without the report in accordance with section 186(7)
Section 191	The bill of suspension or bill of advocation

(3) Where an application for permission is being considered and determined under section 194ZE, the following documents are specified for the purposes of section 194ZF(1)(c)(ii)—

- (a) the documents specified in paragraph (1);
- (b) the reasons in writing given under section 194ZD(3)(a).

Solicitor entering appearance etc.

19E.4.—(1) The solicitor for the appellant or the appellant, if unrepresented, must enter appearance within 7 days after the Clerk of Justiciary intimates that permission has been given in accordance with section 194ZF(2)(a).

(2) Appearance is entered by lodging Form 19E.4–A with the Clerk of Justiciary.

(3) Where an appellant is represented by a solicitor who does not practise in Edinburgh, that solicitor may appoint a solicitor who practises in Edinburgh to carry out the duties of solicitor for the appellant.

(4) If there is a change in representation of an appellant, the new solicitor for the appellant or the appellant, if unrepresented, must lodge Form 19E.4–B with the Clerk of Justiciary within 7 days of that change in representation.

(5) A change in representation occurs where—

- (a) an unrepresented appellant instructs a solicitor;
- (b) an appellant dismisses the appellant’s solicitor and—
 - (i) instructs another solicitor; or
 - (ii) intends to conduct the appeal in person.

List of appeals

19E.5.—(1) The Clerk of Justiciary must, after consultation with the Lord Justice General or the Lord Justice-Clerk, issue a list of appeals under section 194ZB of the Act of 1995 with the respective dates of hearing on the Justiciary Roll.

(2) The Clerk of Justiciary must give the respective solicitors representing parties to an appeal listed in accordance with paragraph (1) at least 14 days’ notice of the date fixed for the hearing of the appeal.

Intimation of determination of appeal

19E.6. The Clerk of Justiciary must send the Clerk of the Sheriff Appeal Court a certified copy of the order under section 194ZH of the Act of 1995 disposing of an appeal under section 194ZB.

Abandonment of appeal

19E.7.—(1) A minute of abandonment under section 194ZJ of the Act of 1995 (abandonment of appeal) is to be in Form 19E.7.

(2) When a minute of abandonment is lodged, the Clerk of Justiciary must inform the Clerk of the Sheriff Appeal Court that the appeal has been abandoned.”.

Amendment of the Criminal Procedure Rules 1996: miscellaneous

4.—(1) The Criminal Procedure Rules 1996 are amended in accordance with this paragraph.

(2) In rule 4.2 (attendance of accused at Crown bail appeals)—

- (a) in paragraph (2), for “Clerk of Justiciary” substitute “clerk of the appropriate Appeal Court”;
- (b) after paragraph (2), insert—

“(3) In this rule, “clerk of the appropriate Appeal Court” has the meaning given by section 32(11) of the Act of 1995⁽¹²⁾.”.

(3) In rule 7.9 (mental disorder: appeals)⁽¹³⁾—

- (a) in paragraph (3), for “Clerk of Justiciary” substitute “clerk of the appropriate Appeal Court”;
- (b) after paragraph (3), insert—

“(4) In this rule, “clerk of the appropriate Appeal Court” means—

⁽¹²⁾ Section 32(11) was inserted by section 122(8) of the Courts Reform (Scotland) Act 2013 (asp 18).

⁽¹³⁾ Rule 7.9 was inserted by S.S.I. 2007/276.

- (a) in a case where the High Court is the appropriate Appeal Court, the Clerk of Justiciary;
 - (b) in a case where the Sheriff Appeal Court is the appropriate Appeal Court, the Clerk of the Sheriff Appeal Court.”.
- (4) In rule 17.1 (appeals against extension of period of detention)(14)—
- (a) in paragraph (1), for “High Court” substitute “Sheriff Appeal Court”;
 - (b) in each of paragraphs (3), (4), (4A) and (5), for “Clerk of Justiciary” in each place where it occurs substitute “Clerk of the Sheriff Appeal Court”.
- (5) In rule 27A.1 (recovery of documents: appeal against decision of sheriff)(15)—
- (a) in paragraph (1), for “Clerk of Justiciary” substitute “clerk of the appropriate Appeal Court”;
 - (b) after paragraph (3), insert—
 - “(4) In this rule, “clerk of the appropriate Appeal Court” means—
 - (a) in a case where the High Court is the appropriate Appeal Court, the Clerk of Justiciary;
 - (b) in a case where the Sheriff Appeal Court is the appropriate Appeal Court, the Clerk of the Sheriff Appeal Court.”.
- (6) In rule 29A.1 (service of bill or petition)(16)—
- (a) in each of paragraphs (1), (2) and (4), for “Clerk of Justiciary” substitute “clerk of the appropriate Appeal Court”;
 - (b) after paragraph (4), insert—
 - “(5) In this rule, “clerk of the appropriate Appeal Court” means—
 - (a) in a case where the bill or petition is presented to the High Court, the Clerk of Justiciary;
 - (b) in a case where the bill is presented to the Sheriff Appeal Court, the Clerk of the Sheriff Appeal Court.”.
- (7) After rule 31.3 (notice of references in summary proceedings), insert—

“References in proceedings in the Sheriff Appeal Court

- 31.3A.**—(1) Where a question is to be raised in the Sheriff Appeal Court in any proceedings, notice of intention to do so shall be given by the party raising the question.
- (2) Where such notice is given, a record of the notice shall be entered in the minute of proceedings.
- (3) The court may hear parties on the question forthwith or may adjourn the case to a specified date for such hearing.
- (4) After hearing parties, the court may determine the question or may decide that a preliminary ruling should be sought.
- (5) Where the court determines the question, it shall then make such order in respect of further procedure as it thinks fit.”.
- (8) The heading of rule 31.4 (proceedings on appeal etc.) becomes “Proceedings on appeal etc. to the High Court”.

(14) Rule 17.1 was amended by [S.S.I. 2012/125](#).

(15) Rule 27A.1 was inserted by [S.S.I. 2007/511](#) and amended by [S.S.I. 2010/184](#).

(16) Rule 29A.1 was inserted by [S.S.I. 2009/144](#).

(9) In rule 38 (applications for transfer under section 303A of the Act of 1995)(17), for “the High Court” substitute “the appropriate Appeal Court”.

(10) In rule 56.3(4) (interim orders: representations)(18), after subparagraph (a) insert—

“(aa) the office of the Sheriff Appeal Clerk is open for criminal court business, where the interim order was made by the Sheriff Appeal Court;”.

(11) In rule 56.4(b) (notification of reporting restrictions)(19), for “Scottish Court Service” substitute “Scottish Courts and Tribunals Service”.

(12) In rule 58.3 (Control of Dogs (Scotland) Act 2010: appeal to the High Court)(20)—

(a) for “High Court” substitute “Sheriff Appeal Court”;

(b) the heading becomes “Appeal to the Sheriff Appeal Court”.

Amendment of the Appendix to the Criminal Procedure Rules 1996

5.—(1) The Appendix to the Criminal Procedure Rules 1996(21) is amended in accordance with this paragraph.

(2) In Form A4.1 (form of application to court to excuse procedural irregularities under section 300A of the Criminal Procedure (Scotland) Act 1995)(22), after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”.

(3) In Form 7.9 (form of note of appeal under section 62 or 63 of the Criminal Procedure (Scotland) Act 1995)(23)—

(a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, THE LORD JUSTICE CLERK AND THE LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;

(b) in paragraph 2, after “the High Court of Justiciary” insert “[or the Sheriff Appeal Court]”.

(4) In Form 7A.9 (form of appeal against ruling under section 153 of the Criminal Justice and Licensing (Scotland) Act 2010)(24)—

(a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;

(b) in paragraph 2, after “the High Court” insert “[or the Sheriff Appeal Court]”.

(5) In Form 17.1 (form of note of appeal against grant or refusal of extension of 40 days period under section 147(3) of the Criminal Procedure (Scotland) Act 1995), for “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” substitute “UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT”.

(17) Rule 38 was inserted by [S.I. 1997/1834](#).

(18) Rule 56.3 was substituted by [S.S.I. 2015/84](#).

(19) Rule 56.4 was substituted by [S.S.I. 2015/84](#).

(20) Rule 58.3 was inserted by [S.S.I. 2011/194](#).

(21) The Criminal Procedure Rules 1996 are in Schedule 2 to the Act of Adjournment (Criminal Procedure Rules) 1996 ([S.I. 1996/513](#), last amended by [S.S.I. 2015/201](#)). The Appendix was last amended by [S.S.I. 2015/201](#).

(22) Form A4.1 was inserted by [S.S.I. 2007/511](#) and amended by [S.S.I. 2008/61](#).

(23) Form 7.9 was inserted by [S.S.I. 2007/276](#).

(24) Form 7A.9 was inserted by [S.S.I. 2011/242](#).

(6) In Form 18.3C (form of note of appeal under section 156D(1) of the Criminal Procedure (Scotland) Act 1995), for “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” substitute “UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT”.

(7) In Form 19.1–A (form of note of appeal against decision relating to a preliminary plea)(**25**)—

(a) for “IN THE HIGH COURT OF JUSTICIARY” substitute “IN THE SHERIFF APPEAL COURT”;

(b) for “the High Court of Justiciary” substitute “the Sheriff Appeal Court”;

(c) for “the High Court” substitute “the Sheriff Appeal Court”.

(8) In Form 19.1–B (Form of minute of abandonment of appeal)—

(a) for “IN THE HIGH COURT OF JUSTICIARY” substitute “IN THE SHERIFF APPEAL COURT”;

(b) for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.

(9) In Form 19.2–A (form of application for stated case)(**26**), for “the High Court of Justiciary” substitute “the Sheriff Appeal Court”.

(10) In Form 19.2–B (form of stated case)(**27**), for “the High Court of Justiciary at Edinburgh” substitute “the Sheriff Appeal Court”.

(11) In Form 19.2–C (form of minutes of procedure in appeal by stated case)(**28**), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.

(12) In Form 19.3–A (form of note of appeal against sentence under section 186(1) of the Criminal Procedure (Scotland) Act 1995)(**29**), for “the High Court of Justiciary” substitute “the Sheriff Appeal Court”.

(13) In Form 19.3–B (form of minutes of procedure in note of appeal against sentence alone under section 186(1) of the Criminal Procedure (Scotland) Act 1995), for “Clerk of Justiciary” in each place where it occurs substitute “Clerk of the Sheriff Appeal Court”.

(14) In Form 19.6 (form of minute abandoning appeal under section 175(8) of the Criminal Procedure (Scotland) Act 1995), for “IN THE HIGH COURT OF JUSTICIARY” substitute “IN THE SHERIFF APPEAL COURT”.

(15) In Form 19.9 (form of application to High Court of suspension of disqualification from driving)(**30**)—

(a) for “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” substitute “UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT”;

(b) in paragraph 2, for “High Court of Justiciary” substitute “Sheriff Appeal Court”.

(16) After Form 19.9, insert Forms 19.11–A and 19.11–B set out in the Schedule to this Act of Adjournal.

(17) For Form 19.18(**31**) substitute Form 19.19 set out in the Schedule to this Act of Adjournal.

(**25**) Form 19.1–A was amended by [S.S.I. 2008/61](#).

(**26**) Form 19.2–A was last amended by [S.S.I. 2008/61](#).

(**27**) Form 19.2–B was amended by [S.S.I. 2008/61](#).

(**28**) Form 19.2–C was amended by [S.I. 1997/1834](#).

(**29**) Form 19.3–A was last amended by [S.S.I. 2008/61](#).

(**30**) Form 19.9 was amended by [S.S.I. 2008/61](#).

(**31**) Form 19.18 was inserted by [S.S.I. 2003/387](#).

(18) After Form 19C.3 (form of notice of objection to risk assessment report under section 210C(7) of the Criminal Procedure (Scotland) Act 1995)(32), insert Forms 19D.4, 19E.1–A, 19E.1–B, 19E.2, 19E.4–A, 19E.4–B and 19E.7 set out in the Schedule to this Act of Adjournal.

(19) In Form 27A.1 (form of appeal against decision of sheriff on application for an order for recovery of documents under section 301A of the Criminal Procedure (Scotland) Act 1995), after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”.

(20) For Form 31.5 (form of reference to the European Court)(33) substitute Form 31.5 set out in the Schedule to this Act of Adjournal.

(21) In Form 31.7 (form of appeal to High Court from the making of a reference to the European Court of Justice)(34), in paragraph 1 for “[or the sheriff [or justice of the peace] court at (place)]” substitute “[or the Sheriff Appeal Court [or the sheriff [or justice of the peace] court at (place)]”.

(22) In paragraph 1 of Form 37.5 (form of note of appeal under section 27 of the Proceeds of Crime (Scotland) Act 1995)(35), after “High Court of Justiciary” insert “[or the Sheriff Appeal Court]”.

(23) In Form 38 (form of application to High Court for transfer of rights of appeal of deceased person)(36)—

- (a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK and LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;
- (b) in paragraph 4, after “the Crown Agent” insert “[or the prosecutor]”;
- (c) the title of the Form becomes “Form of application for transfer of rights of appeal of deceased person”.

(24) In Form 51.4 (form of appeal under section 28E(11) of the Animal Health Act 1981, section 43(2) of the Animal Health and Welfare (Scotland) Act 2006 or section 49(2) of the Animal Welfare Act 2006)(37), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court [or Clerk of Justiciary]”.

(25) In Form 56.3 (form of representations about a proposed order restricting the reporting of proceedings)(38)—

- (a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT]”;
- (b) in paragraph 1, after “the High Court” insert “[or Sheriff Appeal Court]”.

(26) In Form 56.5 (form of application for variation or revocation of an order restricting the reporting of proceedings)(39)—

- (a) after “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” insert “[or

(32) Form 19C.3 was inserted by [S.S.I. 2006/302](#).

(33) Form 31.5 was substituted by [S.I. 1999/1282](#) and last amended by [S.I. 2011/1043](#).

(34) Form 31.7 was amended by [S.S.I. 2008/61](#).

(35) Form 37.5 was inserted by [S.I. 1997/2653](#).

(36) Form 38 was inserted by [S.I. 1997/1834](#).

(37) Form 51.4 was inserted by [S.S.I. 2007/238](#) and amended by [S.S.I. 2008/61](#).

(38) Form 56.3 was substituted by [S.S.I. 2015/84](#).

(39) Form 56.5 was inserted by [S.S.I. 2015/84](#).

UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT];

(b) in paragraph 1, after “the High Court” insert “[or Sheriff Appeal Court]”.

(27) In Form 58.2 (form of application for discharge of disqualification under section 11(3) of the Control of Dogs (Scotland) Act 2010)**(40)**—

(a) omit “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY”;

(b) for “[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” substitute “UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)”;

(c) in paragraph 1, for “the High Court [or Sheriff] [or Justices]” substitute “the Sheriff [or Justices]”;

(d) for “LORDSHIP[S]” substitute “LORDSHIP”.

(28) In Form 58.3 (form of appeal under section 11(4) of the Control of Dogs (Scotland) Act 2010)**(41)**—

(a) for “UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, LORD JUSTICE-CLERK AND LORDS COMMISSIONERS OF JUSTICIARY” substitute “UNTO THE HONOURABLE THE APPEAL SHERIFFS in the SHERIFF APPEAL COURT”;

(b) in paragraph 1, for “the High Court [or Sheriff] [or Justices]” substitute “the Sheriff [or Justices]”.

Saving

6.—(1) The following provisions do not apply to appeals from summary criminal proceedings made to the High Court of Justiciary before 22nd September 2015—

(a) paragraph 2;

(b) paragraph 4(3), (4), (5) and (12);

(c) paragraph 5(3) to (17), (19), (22), (24) and (28).

(2) Paragraph 4(2) does not apply to bail appeals made to the High Court of Justiciary before 22nd September 2015.

(3) Paragraph 4(6) does not apply to bills of advocacy, bills of suspension or petitions to the nobile officium where a first order for service was sought from the High Court of Justiciary before 22nd September 2015.

(4) The following provisions do not apply to applications to the High Court of Justiciary made before 22nd September 2015—

(a) paragraph 4(9);

(b) Paragraph 5(2), (23) and (27).

(40) Form 58.2 was inserted by [S.S.I. 2011/194](#)

(41) Form 58.3 was inserted by [S.S.I. 2011/194](#).

Edinburgh
4th June 2015

C J M Sutherland
Lord Justice Clerk
I.P.D.

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

SCHEDULE

Paragraph 5(16), (17), (18) and (20)

Form 19.11–A

Rule 19.11(2)

Form of entering appearance in Sheriff Appeal Court

IN THE SHERIFF APPEAL COURT

in

APPEAL

by

[A.B.] (*address*) [*or* presently a prisoner in the Prison of (*place*)]

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

The appellant is represented by:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)

*[The appellant's solicitor has appointed an Edinburgh solicitor to act as solicitor for the appellant:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)]

*[*or* The appellant is not represented by a solicitor and intends to conduct the appeal in person.]

**delete as appropriate*

(*signed*)

Appellant [*or* Solicitor for Appellant]

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

Form 19.11-B

Rule 19.11(4)

Form of change of representation in Sheriff Appeal Court

IN THE SHERIFF APPEAL COURT

in

APPEAL

by

[A.B.] (*address*) [*or* presently a prisoner in the Prison of (*place*)]

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

There has been a change of representation for the appellant.

The appellant is now represented by:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)

*[The appellant's solicitor has appointed an Edinburgh solicitor to act as solicitor for the appellant:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)]

*[*or* The appellant has dismissed the appellant's solicitor and intends to conduct the appeal in person.]

**delete as appropriate*

(*signed*)

Appellant [*or* Solicitor for Appellant]

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

Form 19.19

Rule 19.19(3)(a)

Form of case and argument for presentation of summary sentence appeal in writing

APPEAL: **-v- PF** (*specify place*)

CASE REF:

Provide the following details

1. The specification of the place and date of conviction and of the charges of which the appellant was convicted, subject to any amendments and deletions:
2. The sentence or sentences imposed:
3. The grounds of appeal that have passed the sift:
4. An articulate statement of reasons in support of each ground of appeal:
5. A list of authorities relied upon, if any:
6. A schedule of the documents founded upon, if any:

*Delete as appropriate

(*signed*)

[Solicitor or counsel for appellant]

(*address and telephone number of solicitor or counsel*)

Form 19D.4

Rule 19D.4(4)

Form of reference to High Court of Justiciary for opinion on point of law

IN THE SHERIFF APPEAL COURT

REFERENCE

for the Opinion of the High Court of Justiciary at Edinburgh on a point of law

in

APPEAL

by

[A.B.] (*address*) [*or presently a prisoner in the Prison of (place)*]

[*or The Procurator Fiscal at (place)*]

APPELLANT

against

[C.D.] (*address or as the case may be*)

RESPONDENT

1. The appellant [*or respondent*] was charged with (*here summarise the relevant charge*).
2. (*Here state concisely the relevant procedure history of the proceedings at first instance*).
3. (*Here state the decision and disposal*).
4. The appellant appealed to the Sheriff Appeal Court against that decision under (*here specify the provision of the Criminal Procedure (Scotland) Act 1995 under which the appeal was made, and the nature of the appeal*).
5. The Sheriff Appeal Court, on the application of the appellant [*or respondent*] [*or of its own initiative*], considers that the following point[s] of law arise[s]—

(*Here state in numbered paragraphs the point(s) of law that arise(s)*.)
6. The Sheriff Appeal Court considers that [*or those*] point[s] of law to be novel or complex for the following reasons—

(*Here state in numbered paragraphs the reasoning of the Sheriff Appeal Court for that view*.)

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7. The Sheriff Appeal Court accordingly refers the point[s] of law to the High Court for its opinion in accordance with section 175A(1) of the Criminal Procedure (Scotland) Act 1995.

(Signature of the Appeal Sheriff(s))

(Name of Appeal Sheriff(s))

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Form 19E.1–A

Rule 19E.1(1)

Form of notice of appeal to High Court of Justiciary under section 194ZB(1) of the Criminal Procedure (Scotland) Act 1995

IN THE SHERIFF APPEAL COURT

NOTE OF APPEAL

by

[A.B.] (*address*)

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

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

1. The appellant appeals to the High Court of Justiciary against the decision of the Sheriff Appeal Court (*here specify the nature of the decision*) made on (*date*).

GROUND(S) OF APPEAL

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

PERMISSION TO APPEAL

3. The appellant satisfies section 194ZB(3)(a) of the Criminal Procedure (Scotland) Act 1995. (*State briefly (in numbered paragraphs) why the appeal would raise an important point of principle or practice.*) [*or*
3. The appellant satisfies section 194ZB(3)(b) of the Criminal Procedure (Scotland) Act 1995. (*State briefly (in numbered paragraphs) why there is some other compelling reason for the High Court to hear the appeal.*)]

[ANCILLARY APPLICATIONS]

4. The appellant also craves the court to (*here insert any application for bail or for any other interim order under section 177(1) as applied by section 194ZI(1) of the Criminal Procedure (Scotland) Act 1995.*)

(Signed)

[Solicitor for appellant]

(Address and telephone number of solicitor)

(Place and date)

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Form 19E.1–B

Rule 19E.1(2)

Form of minute of procedure in note of appeal under section 194ZB(1) of the Criminal Procedure (Scotland) Act 1995

<i>(Date)</i>	Note of appeal lodged.	Clerk of Court
<i>Eo die</i>	Copy note of appeal sent to respondent. [or respondent’s solicitor]	Clerk of Court
<i>[Eo die</i>	Copies of note of appeal, complaint, minutes of proceedings and relevant documents sent to <i>(name(s) of Appeal Sheriff(s))</i> if judgment of the Sheriff Appeal Court not yet available.	Clerk of Court]
	Proceedings to be sent to Clerk of Justiciary no later than <i>(date)</i> .	
<i>[(Date)</i>	<i>(Name of Appeal Sheriff(s))</i> the court refused bail [or granted bail] conform to separate order attached.	Clerk of Court]
<i>[(Date)</i>	<i>(Name of Appeal Sheriff(s))</i> the court refused to suspend [or <i>ad interim</i> suspended] the order for disqualification in terms of section 41(2) of the Road Traffic Offenders Act 1988.	Clerk of Court]
<i>[(Date)</i>	Judgment of Sheriff Appeal Court received.	Clerk of Court]
<i>[(Date)</i>	Copy of judgment sent to [A.B.] and the Procurator Fiscal.	Clerk of Court]
<i>Eo die</i>	Note of appeal, together with documents specified in rule 19E.3(1), sent to Clerk of Justiciary.	Clerk of Court

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Form 19E.2

Rule 19E.2(4)

Form of extension of time by President of the Sheriff Appeal Court

IN THE SHERIFF APPEAL COURT

[A.B.] v Procurator Fiscal

(Place and date)

I, *(name)*, President of the Sheriff Appeal Court, by virtue of the powers conferred on me by rule 19E.2(4) of the Act of Adjournal (Criminal Procedure Rules) 1996, extend the period specified in rule 19E.2(3) so that it will now expire on *(date)*, in respect that—

(here specify brief reasons for the extension)

(Signed)

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

Form 19E.4–A

Rule 19E.4(2)

Form of entering appearance in appeals from Sheriff Appeal Court

IN THE HIGH COURT OF JUSTICIARY

in

APPEAL

by

[A.B.] (*address*) [*or* presently a prisoner in the Prison of (*place*)]

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

The appellant is represented by:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)

*[The appellant's solicitor has appointed an Edinburgh solicitor to act as solicitor for the appellant:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)]

*[*or* The appellant is not represented by a solicitor and intends to conduct the appeal in person.]

**delete as appropriate*

(*signed*)

Appellant [*or* Solicitor for Appellant]

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

Form 19E.4–B

Rule 19E.4(4)

Form of change of representation in appeals from Sheriff Appeal Court

IN THE HIGH COURT OF JUSTICIARY

in

APPEAL

by

[A.B.] (*address*) [*or* presently a prisoner in the Prison of (*place*)]

APPELLANT

against

THE PROCURATOR FISCAL

RESPONDENT

There has been a change of representation for the appellant.

The appellant is now represented by:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)

*[The appellant's solicitor has appointed an Edinburgh solicitor to act as solicitor for the appellant:

(*name of solicitor*)

(*address of solicitor*)

(*telephone number and email address of solicitor*)]

*[*or* The appellant has dismissed the appellant's solicitor and intends to conduct the appeal in person.]

**delete as appropriate*

(*signed*)

Appellant [*or* Solicitor for Appellant]

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

Form 19E.7

Rule 19E.7

Form of minute abandoning appeal under section 194ZB(1) of the Criminal Procedure (Scotland) Act 1995

IN THE HIGH COURT OF JUSTICIARY

MINUTE OF ABANDONMENT

in the

APPEAL

under section 194ZB(1) of the Criminal Procedure (Scotland) Act 1995

by

[A.B.] (*address*)

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

APPELLANT

against

[*The Procurator Fiscal (or as the case may be)*]

RESPONDENT

The appellant abandons his [*or her or its*] appeal to the High Court of Justiciary as from this date.

Intimation of the foregoing abandonment has been made to the respondent.

(*Signed*)

[*Solicitor for appellant*]

(*Address and telephone number of solicitor*)

(*Place and date*)

Form 31.5

Rule 31.5(2)(a)

Form of reference to the European Court

THE HIGH COURT OF JUSTICIARY

[or THE SHERIFF APPEAL COURT]

[or THE SHERIFF [or JUSTICE OF THE PEACE] COURT]

IN SCOTLAND

HER MAJESTY'S ADVOCATE [or THE PROCURATOR FISCAL]

against

[C.D.] (address)

[or Prisoner in the Prison of (place)]

[Here set out a clear and succinct statement of the case giving rise to the request for the ruling of the European Court in order to enable the European Court to consider and understand the issues of EU law raised and to enable governments of Member States and other interested parties to submit observations.]

The statement of the case should include:

- (a) particulars of the parties;*
- (b) the history of the dispute between the parties;*
- (c) the history of the proceedings;*
- (d) the relevant facts as agreed by the parties or found by the court or, failing such agreement or finding, the contentions of the parties on such facts;*
- (e) the nature of the issues of law and fact between the parties;*
- (f) the Scots law, so far as is relevant;*
- (g) the Treaty provisions or other acts, instruments or rules of EU law concerned; and*
- (h) an explanation of why the reference is being made.]*

The preliminary ruling of the Court of Justice of the European Union is accordingly requested on the following questions:

[Here set out the questions on which the ruling is sought, identifying the Treaty provisions or other acts, instruments or rules of EU law concerned.]

(date)

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EXPLANATORY NOTE

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

This Act of Adjournal amends the Act of Adjournal (Criminal Procedure Rules) 1996 (“the Criminal Procedure Rules”) in consequence of the establishment of the Sheriff Appeal Court by the Courts Reform (Scotland) Act 2014 (“the 2014 Act”).

In particular, paragraph 2 modifies Chapter 19 of the Criminal Procedure Rules in consequence of section 118 of and schedule 3 to the 2014 Act. Section 118(1) transfers to the Sheriff Appeal Court the powers and jurisdiction of the High Court of Justiciary so far as relating to appeals from summary criminal proceedings, with schedule 3 making detailed textual amendments to the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”). Accordingly, paragraph 2 makes the necessary modifications to the Criminal Procedure Rules.

Paragraph 3 inserts two new Chapters 19D (referral of point of law for opinion of the High Court of Justiciary) and 19E (appeals to High Court of Justiciary) into the Criminal Procedure Rules. Chapter 19D specifies the procedure to be followed in relation to references from the Sheriff Appeal Court to the High Court of Justiciary under section 175A of the 1995 Act (as inserted by section 120 of the 2014 Act). Chapter 19E makes provision about the procedure to be followed where an appeal is taken to the High Court of Justiciary under section 194ZB of the 1995 Act (as inserted by section 119 of the 2014 Act) against a decision of the Sheriff Appeal Court.

Paragraph 4 makes miscellaneous amendments to other provisions of the Criminal Procedure Rules in consequence of modifications to the 1995 Act made by schedule 3 to the 2014 Act, as well as further modifications made by the Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015.

Paragraph 5 modifies various Forms in the Appendix to the Criminal Procedure Rules. It also inserts new Forms referred to in new Chapters 19D and 19E as inserted by paragraph 3.

Paragraph 6 makes saving provisions so that the Rules as they applied immediately before 22nd September 2015 continue to apply to various proceedings in the High Court of Justiciary which commenced before that date. In particular, paragraph 6(1) disapplies various provisions in relation to appeals from summary criminal proceedings made to the High Court of Justiciary before 22nd September 2015. Paragraph 6(2) similarly provides that the amendments made by paragraph 4(2) do not apply to bail appeals made to the High Court of Justiciary before 22nd September 2015. Paragraph 6(3) also provides that paragraph 4(6) does not apply to bills of advocacy, bills of suspension or petitions to the nobile officium where a first order for service was sought from the High Court of Justiciary before 22nd September 2015. Paragraph 6(4) makes similar provision in respect of a number of applications made to the High Court of Justiciary before 22nd September 2015.