
STATUTORY INSTRUMENTS

1997 No. 2081 (S.147)

**SHERIFF COURT, SCOTLAND
SUMMARY JURISDICTION, SCOTLAND**

**Act of Adjournal (Criminal Procedure
Rules Amendment No. 6) 1997**

Made - - - - - *26th August 1997*

Coming into force - - - - - *1st September 1997*

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary under and by virtue of the powers conferred on them by section 7(4) of the Knives Act 1997⁽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 (Criminal Procedure Rules Amendment No.6) 1997 and shall come into force on 1st September 1997.

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

Amendment of the Criminal Procedure Rules

2.—(1) The Act of Adjournal (Criminal Procedure Rules) 1996 ⁽²⁾ shall be amended in accordance with this Act of Adjournal.

(2) After Chapter 37 insert—

“CHAPTER 37A

PROCEEDINGS UNDER SECTION 7 OF THE KNIVES ACT 1997

37A An application to the sheriff under section 7(3) of the Knives Act 1997 (recovery order for delivery of property to applicant if it appears to court that he owns it) shall be made by petition in Form 37A.”.

(3) After Form 36.4B insert as Form 37A the form which is in the Schedule.

(1) 1997 c. 21.

(2) S.I. 1996 No. 513 (S.47).

Status: This is the original version (as it was originally made).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

Edinburgh,
26th August 1997

Rodger of Earlsferry
Lord Justice General, I.P.D.

SCHEDULE

Paragraph 2(3)

Rule 37A

FORM 37A

Form of petition to sheriff under section 7(3) of the Knives Act 1997

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

AT *(place)*

PETITION

of

[A.B.] *(address)*

PETITIONER

HUMBLY SHEWETH:

1. That the petitioner is *(name)* and resides at *(address)*.
2. That on *(date)* the court in the case *(Procurator Fiscal)* against *(name and address)*, accused, made an Order in terms of section 6 of the Knives Act 1997 forfeiting *(specify property forfeited)*.
3. That *(state facts relevant to application)*.

MAY IT THEREFORE please your Lordship:

- (1) to appoint intimation of this petition to be made to *(specify)*.
- (2) to appoint parties to be heard thereon on the earliest practicable date thereafter; and
- (3) thereafter, on being duly satisfied, to make an order in terms of section 7(3) of the Knives Act 1997; and to do further or otherwise as Your Lordship shall deem proper.

ACCORDING TO JUSTICE, etc.

(Signed)

[Solicitor for petitioner]

(Address and telephone number of solicitor)

EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules by inserting a new chapter 37A providing for applications to the sheriff under section 7(3) of the Knives Act 1997 for delivery of forfeited property to the true owner and by prescribing a form of petition for that purpose.