

2007 No. 237

SHERIFF COURT

**Act of Adjournal (Criminal Procedure Rules Amendment No. 2)
(Vulnerable Witnesses (Scotland) Act 2004) 2007**

Made - - - - - *9th March 2007*

Coming into force - - - - - *1st April 2007*

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 305 of the Criminal Procedure (Scotland) Act 1995(a), and of all other powers enabling them in that behalf, with the consent of the Scottish Ministers, 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. 2) (Vulnerable Witnesses (Scotland) Act 2004) 2007 and shall come into force on 1st April 2007.

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

Amendment of the Act of Adjournal (Criminal Procedure Rules) 1996

2.—(1) The Act of Adjournal (Criminal Procedure Rules) 1996(b) shall be amended in accordance with the following sub-paragraphs.

(2) The following rules of the Act of Adjournal (Criminal Procedure Rules) 1996 shall apply in summary proceedings in the sheriff court which commence after 1st April 2007 and in which there is a child witness within the meaning of section 271(1)(a) of the Criminal Procedure (Scotland) Act 1995(c), with proceedings being taken to have commenced when a report of the case has been received by the procurator fiscal:—

- (a) rule 22.1(d) (child witness notice);
- (b) rule 22.2(e) (procedure on lodging child witness notice or vulnerable witness application);
- (c) rule 22.3 (intimation of an order under section 271A);
- (d) rule 22.4 (review of arrangements for vulnerable witnesses);
- (e) rule 22.5 (procedure for review);
- (f) rule 22.6 (intimation of order);
- (g) rule 22.7 (notice of prohibition of personal conduct of defence);

(a) 1995 c.46.

(b) S.I. 1996/513, last amended by S.S.I. 2007/ .

(c) Section 271 was substituted by the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 1.

(d) Rules 22.1 to 22.10 were inserted by S.S.I. 2005/188.

(e) Rule 22.2 was substituted by S.S.I. 2006/76.

- (h) rule 22.8 (application for prohibition of personal conduct of defence);
- (i) rule 22.9 (transfer of cases);
- (j) rule 22.10 (evidence in chief in form of prior statement);
- (k) rule 22.11(a) (appointment of commissioner);
- (l) rule 22.12 (commission);
- (m) rule 22.13 (video recording of commission);
- (n) rule 22.14 (custody of video recording and documents);
- (o) rule 22.15 (applications for leave for accused to be present at commission).

(3) In the Appendix–

- (a) in Form 22.1(b), in paragraph 1, after “(place)” there shall be inserted “[or has been charged in the above court on a summary complaint at the instance of the procurator fiscal with a trial diet on (date) in the sheriff court of (place)].”;
- (b) in Form 22.4(c), in paragraph 1, after “Advocate” there shall be inserted “[or has been charged on a summary complaint at the instance of the procurator fiscal]”;
- (c) in Form 22.8–A(d), in paragraph 1, after “(place)” there shall be inserted “[or has been charged in the above court on a summary complaint at the instance of the procurator fiscal]”; and
- (d) in Form 22.15(e), in paragraph 1, after “(place)” there shall be inserted “[or has been charged in the above court on a summary complaint at the instance of the procurator fiscal]”.

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

Edinburgh,
9th March 2007

(a) Rules 22.11 to 22.15 were inserted by S.S.I. 2005/574.
 (b) Form 22.1 was substituted by S.S.I. 2005/188 and amended by S.S.I. 2006/302.
 (c) Form 22.4 was inserted by S.S.I. 2005/188 and amended by S.S.I. 2006/302.
 (d) Form 22.8–A was inserted by S.S.I. 2005/188 and amended by S.S.I. 2006/302.
 (e) Form 22.15 was inserted by S.S.I. 2005/574.

EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules 1996 (“the 1996 Rules”) to make provision consequential on the commencement of the provisions of the Vulnerable Witnesses (Scotland) Act 2004 (“the 2004 Act”) in relation to child witnesses in summary proceedings in the sheriff court.

Paragraph 2(2) provides for the application of Chapter 22 of the 1996 Rules in relation to those proceedings.

Paragraph 2(3) makes consequential amendments to the forms set out in the Appendix to the 1996 Rules.

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