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SCHEDULE

Paragraphs 3(2), 4(2), 5(2), 6(2), 7(2), 8(2)
and 9(2)

FORM A4.1 Form of application to court to excuse procedural irregularities under section 300A of the Criminal Procedure (Scotland) Act 1995

Rule A4.1

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

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

[or UNTO THE JUSTICES OF THE DISTRICT COURT OF (*name of district*) AT (*place*)]

APPLICATION

by

HER MAJESTY'S ADVOCATE [or THE PROCURATOR FISCAL, (*place*)]

[or [A.B.] (*address*) [or Prisoner in the Prison of (*place*)]]

HUMBLY SHEWETH:

1. That [A.B.] has been indicted at the instance of Her Majesty's Advocate in the High Court of Justiciary [or in the sheriff court] at (*place*) [or has been charged on a summary complaint at the instance of the Procurator Fiscal with the offence of (*specify*)].
2. That a procedural irregularity [or irregularities] has [or have] occurred. (*Here state grounds for application giving details and reasons for the procedural irregularities*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [or THE COURT]—

- (a) to excuse the procedural irregularity [or irregularities] (*here refer to specific irregularities*);
- (b) to do otherwise as to your Lordship[s] [or the Court] shall seem proper.

IN RESPECT WHEREOF

(*Signed*)

Prosecutor

[or Legal representative of [A.B.]

(*Name, address, email address and telephone number*)

(*Place and date*)

FORM 8B.1 Form of warrant for the apprehension of an accused under section 102A(2) of the Criminal Procedure (Scotland) Act 1995

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Rule 8B.1

(Place and date). The High Court of Justiciary [or Sheriff] at (place) grants a warrant under section 102A(2) of the Criminal Procedure (Scotland) Act 1995 in the case of Her Majesty's Advocate against [A.B] for the apprehension of [A.B.].

By virtue of section 102A(9) of that Act, this warrant implies warrant to officers of law—

- (a) to search for and apprehend [A.B.];
- (b) to bring [A.B.] before the court;
- (c) in the meantime, to detain [A.B.] in a police station, police cell or other convenient place; and
- (d) so far as necessary for the execution of the warrant, to break open shut and lockfast places.

(Signed)

Sheriff [or, in the High Court, Clerk of Court]

(Name, address, email address and telephone number)

Note to officers of law: contact the clerk of court on apprehension of [A.B.].

FORM 16.6-D Form of electronic citation of witness to appear in summary proceedings

Rule 16.6(2A)

IN THE SHERIFF [or DISTRICT] COURT

AT (place)

CITATION

To: (name and address of witness)

Date of citation: (date of sending citation)

YOU ARE HEREBY CITED to appear on (date) at (time) in the Sheriff [or District] Court House at (address) to give evidence for the prosecution [or the accused person or the solicitor for the accused] in the complaint by the Procurator Fiscal against (name of accused person).

Please return the attached form to the Procurator Fiscal [or the accused person or the solicitor for the accused] to the following email address within 14 days after the date of citation stated at the top of this citation: [insert email address].

IF YOU DO NOT ATTEND COURT WITHOUT A LAWFUL EXCUSE THE COURT MAY ORDER THAT YOU BE APPREHENDED AND PUNISHED.

(Signed)

Prosecutor

[or Legal representative for accused]

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FORM 16A.1-A Form of notification of engagement as solicitor in summary proceedings

Rule 16A.1(1)

NOTIFICATION
of
ENGAGEMENT AS SOLICITOR BY THE ACCUSED
in the case
against
[A.B.] (*address*) [*or Prisoner in the Prison of (place)*]

Prosecutor's reference...(*specify, if known*)

My reference...(*specify*)

Date: (*date*)

TAKE NOTICE that I have been engaged by the accused (*name*), (*date of birth*) for the purposes of his [*or her*] defence (*where appropriate, specify part of proceedings for which engaged*).

[The current intention is that the accused will be represented by [*name of counsel, if known*] at the (*specify diet*) on (*date*) at (*place*)].

(*Signed*)

Solicitor

(*Name, address, e-mail address and telephone number*)

FORM 16A.1-B Form of notification of dismissal or withdrawal of solicitor for accused in summary proceedings

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Rule 16A.1(2)

NOTIFICATION
of
DISMISSAL OR WITHDRAWAL OF SOLICITOR
in the case
against
[A.B.] (*address*) [*or Prisoner in the Prison of (place)*]

Prosecutor's reference...(*specify, if known*)

My reference...(*specify*)

Date: (*date*)

TAKE NOTICE that with effect from (*date*) I have been dismissed by [*or have withdrawn from acting for*] (*name of accused*) (*date of birth*).

A trial diet [*or specify any hearing(s) fixed*] has [*or have*] been fixed for (*date(s)*).

[*Insert any of the following statements which apply:-*

The accused is charged with an offence to which section 288C of the Criminal Procedure (Scotland) Act 1995 (certain sexual offences) applies.

The proceedings are proceedings to which section 288E of the Criminal Procedure (Scotland) Act 1995 (certain proceedings involving child witnesses under the age of 12) applies.

The accused is prohibited from conducting his defence by virtue of an order under section 288F of the Criminal Procedure (Scotland) Act 1995 (prohibition of personal defence in other cases involving vulnerable witnesses).]

(*Signed*)

Solicitor

(*Name, address, e-mail address and telephone number*)

FORM 17.2 Form of notification of defence under section 149B of the Criminal Procedure (Scotland) Act 1995

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Rule 17.2

NOTIFICATION
of
DEFENCE UNDER SECTION 149B OF THE CRIMINAL PROCEDURE (SCOTLAND) ACT
1995
in the case
THE PROCURATOR FISCAL, (*place*)
against
[A.B.] (*address*) [*or Prisoner in the Prison of (place)*]

Prosecutor's reference... (*specify, if known*)

Date: (*date*)

TAKE NOTICE that [A.B.] intends to found on the following defence to the complaint:

(*Specify defence*)

(*Signed*)

Legal representative for [A.B.]

(*Name, address, e-mail address and
telephone number*)

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

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Rule 27A.1

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

NOTE OF APPEAL

by

HER MAJESTY'S ADVOCATE [*or* THE PROCURATOR FISCAL (*place*)]

[*or* [A.B.], (*address*) [*or* Prisoner in the Prison of (*place*)]]

HUMBLY SHEWETH:

1. That [A.B.] has been indicted at the instance of Her Majesty's Advocate in the sheriff court at (*place*) [*or* has been charged on a summary complaint at the instance of the Procurator Fiscal, (*place*), with the offence of (*specify*)].

2. That [A.B.] [*or* Her Majesty's Advocate] [*or* the Procurator Fiscal, (*place*),] made an application under section 301A(1) for an order granting commission and diligence for the recovery of documents [*or* for an order for the production of documents]. A copy of that application is attached.

3. That the decision of the sheriff dated (*date*) was as follows:
(*state decision of sheriff and attach a copy of the order*)

4. That [A.B.] [*or* Her Majesty's Advocate] [*or* the Procurator Fiscal, (*place*),] appeals against the decision of the sheriff on the following grounds:
(*here specify grounds of appeal*)

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]–

(a) (*here state order sought*);

(b) to do otherwise as to your Lordship[s] shall seem proper.

IN RESPECT WHEREOF

(*Signed*)

[A.B.], [*or* Legal representative of
[A.B.]]

[*or* Prosecutor]

FORM 28.2 Form of application for order requiring accused to participate in identification parade under section 267B of the Criminal Procedure (Scotland) Act 1995

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Rule 28.2

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

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

[or UNTO THE JUSTICES IN THE DISTRICT COURT OF *(name of district)* AT *(place)*]

APPLICATION

by

HER MAJESTY'S ADVOCATE [or THE PROCURATOR FISCAL, *(place)*]

HUMBLY SHEWETH:

1. That [A.B.] has been indicted at the instance of Her Majesty's Advocate in the High Court of Justiciary [or in the sheriff court] at *(place)* [or has been charged on a summary complaint at the instance of the Procurator Fiscal, *(place)*, with the offence of *(specify)*].
2. That the applicant seeks an order requiring [A.B.] to participate in an identity parade [or specify the other identification procedure]. *(Here state grounds for application)*.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [or THE COURT]—

- (a) to grant an order requiring [A.B.] to participate in an identity parade [or specify other identification procedure];
- (b) to do otherwise as to your Lordship[s] [or the Court] shall seem proper.

IN RESPECT WHEREOF

(Signed)

Prosecutor

(Name, address, email address and telephone number)

(Place and date)