
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 61

**Act of Adjournal (Criminal Procedure Rules Amendment)
(Criminal Proceedings etc. (Reform) (Scotland) Act 2007) 2008**

Enforcement of fines etc.

5.—(1) After rule 20.9 of the Rules (transfer of fines) insert—

“Enforcement orders

20.9A. An order under section 226B of the Act of 1995 (enforcement orders)(1) shall be in Form 20.9A and the form of warrant for civil diligence granted under section 226F of that Act (powers of diligence)(2) in respect of the order shall be in the form set out in that Form.

Application for an order for sale or disposal of a vehicle

20.9B.—(1) An application for an order for sale or disposal of a vehicle under section 226D(6) of the Act of 1995 (seizure of vehicles)(3) shall be in Form 20.9B-A and a copy shall be served on the offender by the fines enforcement officer.

(2) Where an offender objects to an application under paragraph (1) he shall, within 7 days of its receipt, lodge with the clerk of court a response in the form of numbered paragraphs which correspond to the paragraphs of that application.

(3) The court may fix a diet for hearing an application mentioned in paragraph (1) and any response lodged under paragraph (2) in relation to the application.

(4) Where the court fixes a diet under paragraph (3) the clerk of court shall intimate the diet to the offender and the applicant.

(5) An order under section 226D(6) of the Act of 1995 shall be in Form 20.9B-B.

Application by a third party claiming to own vehicle

20.9C.—(1) An application to a sheriff under section 226D(7)(b)(ii) of the Act of 1995 by a third party who claims to own the vehicle shall be in Form 20.9C.

(2) The court may fix a diet for hearing an application mentioned in paragraph (1).

(3) Where the court fixes a diet under paragraph (2) the clerk of court shall intimate—

(a) the application and the diet to—

(i) the offender subject to the enforcement order in terms of which the vehicle seizure order was made;

(ii) any other person from whose possession the vehicle was taken;

(iii) the relevant fines enforcement officer; and

(1) Section 226B was inserted by section 55 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#).

(2) Section 226F was inserted by section 55 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#).

(3) Section 226D was inserted by section 55 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#).

- (b) the diet to the applicant.

Review of actions of fines enforcement officer

20.9D.—(1) An application for review under section 226H of the Act of 1995 (review of actions of FEO)(4) shall be in Form 20.9D.

(2) The court may fix a diet for hearing an application mentioned in paragraph (1).

(3) Where the court fixes a diet under paragraph (2) it shall intimate—

- (a) the application and the diet to the relevant fines enforcement officer; and
- (b) the diet to the applicant.”.

(2) After Form 20.9-C in the appendix to the Rules insert Forms 20.9A, 20.9B-A, 20.9B-B, 20.9C and 20.9D set out in the Schedule to this Act of Adjournal.

(4) Section 226H was inserted by section 55 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007](#) (asp 6).