

SCHEDULE

Paragraphs 3(2), 4(2), 5(2) and 6(2)

FORM 17.A1

Rule 17.A1

Form of application for extension of period of detention under section 147 of the Criminal Procedure (Scotland) Act 1995

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

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF *(name of sheriffdom)*
AT *(place)*]

APPLICATION [or JOINT APPLICATION]

by

THE PROCURATOR FISCAL, *(place)*

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

HUMBLY SHEWETH:

1. That [A.B.] has been charged on a summary complaint at the instance of the procurator fiscal, *(place)* with the offence of *(specify)*.
2. *(Here state grounds for application)*.

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

- (a) *(here state order/decision sought)*; or
- (b) to fix a diet for the hearing of this application and to order intimation of this application and the diet to all parties; or
- (c) to do otherwise as to your Lordship [or the Court] shall seem proper.

IN RESPECT WHEREOF

(Signed)

Prosecutor

[and/or Legal representative of [A.B.]]

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

(Place and date)

FORM 18.3-A

Status: This is the original version (as it was originally made).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

Rule 18.3(1)

Form of application for warrant for the apprehension of a witness under section 156 or 156C of the Criminal Procedure (Scotland) Act 1995

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

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF *(name of sheriffdom)*
AT *(place)*]

APPLICATION

by

THE PROCURATOR FISCAL, *(place)*

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

HUMBLY SHEWETH:

1. That [A.B.] has been charged on a summary complaint at the instance of the Procurator Fiscal, *(place)* with the offence of *(specify)*.
2. *(Here state grounds for application)*.

MAY IT THEREFORE PLEASE YOUR LORDSHIP [or THE COURT]–

- (a) to grant a warrant for apprehension of [C.D.] *(address)*;
- (b) to fix a diet for the hearing of this application; or
- (c) to do otherwise as to your Lordship [or the Court] shall seem proper.

IN RESPECT WHEREOF

(Signed)

Prosecutor

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

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

(Place and date)

FORM 18.3-B

Status: This is the original version (as it was originally made).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

Rule 18.3(3)

Form of warrant for the apprehension of a witness under section 156(1) of the Criminal Procedure (Scotland) Act 1995

(Place and date). The Sheriff [*or Justice of the Peace*] at *(place)* grants a warrant under section 156(1) of the Criminal Procedure (Scotland) Act 1995 in the case of the Procurator Fiscal, *(place)* against [A.B.] for the apprehension of [C.D.], *(date of birth)*, *(address)* (“the witness”).

By virtue of section 156(7) of that Act, this warrant implies warrant to officers of law—

- (a) to search for and apprehend the witness in respect of whom it is issued;
- (b) to bring the witness before the court;
- (c) in the meantime, to detain the witness 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 Justice of the Peace*]

(Court name, address, email address and telephone number)

Note of officers of law: contact the clerk of court on apprehension of witness.

FORM 18.3A

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

Rule 18.3A

Form of application under section 156C(2)(a) of the Criminal Procedure (Scotland) Act 1995

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

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF *(name of sheriffdom)*
AT *(place)*]

APPLICATION

under section 156C of the Criminal Procedure (Scotland) Act 1995

for

REVIEW OF AN ORDER

by

[A.B.] Witness, *(address)*

APPLICANT

HUMBLY SHEWETH:

1. That [A.B.] is a witness in the case of the Procurator Fiscal against [C.D.].
2. That an order under section 156A(1)(b) of the Criminal Procedure (Scotland) Act 1995 was made against [A.B.] on *(date)*.
3. *(Here state grounds for application)*.

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

- (a) *(here state order sought)*; or
- (b) to do otherwise as to your Lordship [or the Court] shall seem proper.

IN RESPECT WHEREOF

(Signed)

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

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

(Place and date)

FORM 18.3B

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

Rule 18.3B

Form of citation of witness under section 156C(5)(b) of the Criminal Procedure (Scotland) Act 1995

IN THE SHERIFF [*or* JUSTICE OF THE PEACE] COURT AT (*place*)

CITATION

To: (*name and address of witness*)

Date of citation: (*date of citation or, if citation by post, the day after the date of posting*)

YOU ARE A WITNESS FOR THE PROSECUTION [*OR* DEFENCE] IN THE CRIMINAL CASE AGAINST (*NAME*).

A warrant was issued for your apprehension on (*date*) and by order of the court of (*date*) you were released on bail.

YOU ARE HEREBY CITED to appear on (*date*) at (*time*) in the Sheriff [*or* Justice of the Peace] Court at (*address*) in connection with an application for review of the above order of the court.

IF YOU DO NOT ATTEND COURT WITHOUT A REASONABLE EXCUSE THE COURT MAY ORDER THAT YOU BE BROUGHT BEFORE THE COURT AND PUNISHED.

(*Signed*)

Clerk of Court

FORM 18.3C

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

Rule 18.3C

Form of note of appeal under section 156D(1) of the Criminal Procedure (Scotland) Act 1995

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

NOTE OF APPEAL

by

THE PROCURATOR FISCAL (*place*)

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

[*or* [C.D.] Witness, (*address*)]

HUMBLY SHEWETH:

1. That on (*date*) the Sheriff [*or* Justices] at (*place*) made the following order under section 156A of the Criminal Procedure (Scotland) Act 1995:–

(*specify*)

2. That the Procurator Fiscal [*or* A.B. *or* C.D.] appeals against that decision on the following grounds:–

(*specify*)

MAY IT THEREFORE PLEASE YOUR LORDSHIPS–

- (a) (here state order sought); or
- (b) to do otherwise as to your Lordships shall seem proper.

IN RESPECT WHEREOF

(*Signed*)

Prosecutor

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

[*or* [C.D.] [*or* Legal representative of [C.D.]]

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

(*Place and date*)

NAME AND ADDRESS OF OFFENDER

FORM 20.9A

Rule 20.9A

Form of order for enforcement of fine under section 226B of the Criminal Procedure (Scotland) Act 1995

SCS reference:

Account reference:

PF reference no:

SCRO no:

ENFORCEMENT ORDER

COURT:

DATE:

OFFENDER:

Address:

Date of birth:

Offence and relevant penalty details:

THE COURT,

* granting time to pay [*or further time to pay*] the above penalty

* noting the offender to have accepted or to be deemed to have accepted a fixed penalty offer made under section 302(1) [*or a compensation offer made under section 302A(1)*] of the Criminal Procedure (Scotland) Act 1995 and not having made payment

* noting the offender to be liable to pay a fixed penalty notice given under section 54 [*or section 62*] of the Road Traffic Act 1988 [*or section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004*] and not having made payment

* noting that a fine that has been imposed by a court on England and Wales and in relation to which a collection order (within the meaning of Part 4 of Schedule 5 to the Courts Act 2003) has been made, has been transferred to this court

ORDERS that the above penalty [*or penalties*] be paid

* by (*specify date*)

* by instalments of (*specify amount*) per (*specify interval of time*) starting on (*specify date*)

* (*specify other arrangement*)

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(* delete whatever is not applicable)

AND grants warrant for all lawful execution hereon.

The effect of the order is to require payment in accordance with the arrangements in the order.

The contact details of the Fines Enforcement Officer (FEO) responsible for securing compliance with this order are as follows:

Court Address.

Telephone number.

E-mail address:

Office hours:

While this order is in force, the FEO may:

1. Request the court to apply for a deduction from benefits order.
2. Make an earnings arrestment order.
3. Arrest funds belonging to the offender in banks or other financial institutions.
4. Order the seizure of a motor vehicle belonging to the offender.
5. Refer the offender back to court.

When the account is in default, the FEO may apply one or more of these sanctions without notice. The offender may apply to the FEO to vary the arrangements for repayment specified in this order. The offender may apply to the court for review of any variation of the enforcement order or any refusal of an application for variation of the arrangements for repayment specified in this order.

(Signed)

Clerk of Court

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NOTE

The FEO, whose contact details are printed above, is responsible for making sure that you keep to the conditions of this order. The FEO will also give you advice and information about payment.

If you have any questions about this financial penalty, if you have any difficulties with the proposed payment, or if you wish any advice about payment, you should contact the FEO immediately. Do not wait until you are in arrears with payment as this may result in the alternative sanctions mentioned earlier being used.

You can arrange to make contact with a FEO through any sheriff court or justice of the peace court in Scotland. The FEO can offer advice and information about payment even if the financial penalty was not imposed at the court where he or she is based. You should have this order to hand when contacting the court.

FORM 20.9B-A

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

Rule 20.9B(1)

Form of application for order for the sale or disposal of a vehicle under section 226D(6) of the Criminal Procedure (Scotland) Act 1995

SCS Account Ref:

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

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF *(name of sheriffdom)*
AT *(place)*]

APPLICATION

by

[A.B.] (Fines Enforcement Officer)

HUMBLY SHEWETH:

1. That an enforcement order *[or orders]* was *[or were]* made in respect of *(name and address of offender)* on *(for each enforcement order specify date(s) made and specify court and place where made and annex copies of each order)*.
2. That for the purpose of obtaining the amount of a relevant penalty *[or penalties]* which has *[or have]* not been paid in accordance with the said enforcement order*[s]*, a vehicle seizure order was carried out on *(date)* in respect of vehicle registration number *(specify number)*.
3. That the period of *(specify period set down in regulations made under section 226D(12) of the Criminal Procedure (Scotland) Act 1995)* has expired and the sum of *(specify sum)* of the relevant penalty *[or penalties]* remains unpaid.

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

- (a) to make an order for sale *[or disposal]* of the above vehicle under section 226D(6) of the Criminal Procedure (Scotland) Act 1995 *(here set out terms of order sought with reference to subsection (6) of section 226D)*;
- (b) to fix a diet for the hearing of this application; or
- (c) to do otherwise as to your Lordship *[or the Court]* shall seem proper.

IN RESPECT WHEREOF

(Signed)

Fines Enforcement Officer

(Place and date)

FORM 20.9B-B

Form of order for sale or disposal of a vehicle under section 226D(6) of the Criminal Procedure (Scotland) Act 1995

SCS Account Ref:

SALE [*or* DISPOSAL] OF VEHICLE ORDER

COURT:

DATE:

OFFENDER:

Address:

Date of birth:

Amount of each relevant penalty and date each imposed:

Unpaid balance[s]:

Vehicle Registration Number:

Registered Owner:

Date vehicle seized:

THE COURT, having considered the application by (*specify name*), Fines Enforcement Officer, for an order to sell the above vehicle under section 226(D) of the Criminal Procedure (Scotland) Act 1995;

ORDERS (*here set out terms of order with reference to paragraphs (a) to (d) of section 226D(6)*).

(*Signed*)

Sheriff [*or* Justice of the Peace]

Copy: Offender

FORM 20.9C

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

Rule 20.9(1)

Form of application by third party under section 226D(7)(b)(ii) of the Criminal Procedure (Scotland) Act 1995

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

APPLICATION

by

[A.B.] *(address)*

APPLICANT

HUMBLY SHEWETH:

1. That a vehicle seizure order was made against *(name of offender)* on *(date)* in respect of vehicle registration number *(specify number)*.
2. That the vehicle seizure order was carried out on *(date)* at *(address where vehicle was located)*.
3. That the applicant is the owner of the vehicle in relation to which the vehicle seizure order was made. *(Here provide details and attach any proof of ownership)*.

MAY IT THEREFORE PLEASE YOUR LORDSHIP—

- (a) (here state the terms of the order sought);
- (b) to fix a diet for the hearing of this application; or
- (c) to do otherwise as to your Lordship shall seem proper.

IN RESPECT WHEREOF

(Signed)

[A.B.]

[or, Legal representative for [A.B.]]

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

(Place and date)

FORM 20.9D

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

Rule 20.9D(1)

Form of application for review of decision of fines enforcement officer under section 226H of the Criminal Procedure (Scotland) Act 1995

SCS Account Ref:

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

[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF *(name of sheriffdom)*
AT *(place)*]

APPLICATION

by

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

APPLICANT

HUMBLY SHEWETH:

1. That an enforcement order [or orders] was [or were] made in respect of *(name and address of offender)* on *(for each enforcement order specify date(s) made and specify court and place where made and attach copies where possible)*.

2. That—

* the enforcement order[s] was [or were] varied by [C.D.], fines enforcement officer, on *(specify date and terms of each variation made)*.

* [A.B.] applied to [C.D.] for a variation of the terms of the enforcement order[s] on *(date)* and this was refused on *(date)*.

* notification of a vehicle seizure order being made was given on *(date)*.

(* delete whatever is not applicable)

3. That the applicant seeks review of the variation[s] of [or refusal[s] to vary] the enforcement order[s] [or of the vehicle seizure order] for the following reasons:— *(here state reasons)*.

MAY IT PLEASE YOUR LORDSHIP [or THE COURT]—

- (a) *(here state the terms of the order sought)*;
- (b) to fix a diet for the hearing of this application; or
- (c) to do otherwise as to your Lordship [or the Court] shall seem proper.

IN RESPECT WHEREOF

(Signed)

[A.B.]

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

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

(place and date)

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

FORM 53.1

Rule 53.1(1)

Form of application for review of decision of clerk of court under section 203C(6) of the Criminal Procedure (Scotland) Act 1995

SCS Account Ref:

PF Reference No:

UNTO THE HONOURABLE SHERIFF OF *(name of sheriffdom)* AT *(place)*
[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF *(name of sheriffdom)*
AT *(place)*]

APPLICATION

by

[A.B.] *(address)*

APPLICANT

HUMBLY SHEWETH:

1. That the applicant requested recall of a fixed penalty [or compensation] conditional offer by the procurator fiscal dated *(date)* (copy attached) that he [or she] was deemed to have accepted.
2. That the request was refused by the clerk of court on *(date)*.
3. *(Here state grounds for application for review of clerk of court's decision).*

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

- (a) to quash the decision of the clerk of court;
- (b) to fix a diet for the hearing of this application; or
- (c) to do otherwise as to your Lordship [or the Court] shall seem proper.

IN RESPECT WHEREOF

(Signed)

[A.B.]

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

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