

## SCHEDULE

Paragraph 3(2)

**Status:** This is the original version (as it was originally made).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

## PART 2

### Form 23A.1-A

Rule 23A.1

#### **Form of petition for issue of letter of request under section 273(2) or 273A(2) of the Criminal Procedure (Scotland) Act 1995**

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

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

AT (*place*)]

PETITION

of

HER MAJESTY'S ADVOCATE

[or [A.B.] (*address*)

[or Prisoner in the prison of (*place*)]]

PETITIONER

HUMBLY SHEWETH

1. That the petitioner [or [C.D.]], along with (*name(s) of co-accused*),] has appeared on petition [or been indicated] [or charged] in your Lordships' [or Lordship's court at the instance of Her Majesty's Advocate [or the prosecutor fiscal at (*place*)] [or the petitioner] with the crime of (*specify*).
2. That no indictment has been served on the petitioner [or [C.D.]] in respect of the said crime and that accordingly the court in which any trial of the petitioner [or [C.D.]] in respect of the said crime for which he stands committed is not yet known. [or that the trial of the petitioner [or [C.D.]] is to take place in your Lordships' [or Lordship's] court [sitting at [(*place*)] on [(*date*)].
3. That (*name of witness*) residing at (*address*) in the country or territory of (*specify*) is a witness whose evidence the petitioner intends to adduce in the course of the trial. He seeks to adduce that evidence through a live television link in that country or territory under section 273 of the Criminal Procedure (Scotland) Act 1995 [or in another part of the United Kingdom under section 273A of the Criminal Procedure (Scotland) Act 1995.]
4. That the evidence to the effect specified in the schedule attached to this petition, which it is averred that the said witness is able to give, is necessary for the proper adjudication of the trial.

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5. That (*name of court*) is a court or tribunal exercising jurisdiction in the said country or territory of (*specify*) being a country or territory outside the United Kingdom. [*or that (name of court) is a court or tribunal in (specify country) exercising its jurisdiction outside of Scotland but within the United Kingdom.*]
6. That English is [not] the official language or one of the official languages of the said country or territory.
7. That the law of the said country or territory provides for evidence to be taken by live television link [in accordance with the following procedure:- (*specify, if known*)].
- [8. That there would be no unfairness to the accused if such evidence were to be given through a live television link.]

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [*OR THE COURT*]:

- (1) to appoint intimation of this petition and schedule to be made to (*specify*);
- (2) to appoint parties to be heard thereupon on the earliest practicable date hereafter; and
- (3) thereafter, on being duly satisfied in terms of section 273(3) [*or 273A(4)*] of the Criminal Procedure (Scotland) Act 1995, to issue a letter of request to (*state judge or tribunal within whose jurisdiction the witness is a resident*) for assistance in facilitating the giving of evidence by the said witness through a live television link; and to do otherwise as to your Lordship[s] shall seem proper.

ACCORDING TO JUSTICE, etc.

(signed)

[Solicitor for petitioner]

(Address and telephone number of solicitor)