

**Changes to legislation:** Criminal Procedure (Scotland) Act 1995, SCHEDULE 2 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 2

Sections 34 & 64(2)

#### EXAMPLES OF INDICTMENTS

“A.B. (name and address, that given in the declaration being sufficient), you are indicted at the instance of <sup>F1</sup> . . . Her Majesty’s Advocate, and the charge against you is that on 20th 199 , in a shop in George Street, Edinburgh, occupied by John Cruikshank, draper, you did steal a shawl and a boa.”

#### Textual Amendments

**F1** Words in Sch. 2 repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 60\(5\)](#), 206(1); [S.S.I. 2010/413](#), [art. 2](#), Sch. (with [art. 5](#))

“..... You did rob Charles Doyle, a cattle dealer, of Biggar, Lanarkshire, of a watch and chain and £36 of money.....”

“..... You did break into the house occupied by Andrew Howe, banker’s clerk, and did there steal twelve spoons, a ladle, and a candlestick.....”

“..... You did force open (or attempt to force open) a lockfast cupboard and did thus attempt to steal therefrom.....”

“..... You did place your hand in one of the packets of Thomas Kerr, commercial traveller, 115 Main Street, Perth, and did thus attempt to steal.....”

“..... You did assault Lewis Mann, station-master of Earlston, and compress his throat and attempt to take from him a watch and chain.....”

“..... You did, while in the employment of James Pentland, accountant in Frederick Street, Edinburgh, embezzle £4,075 of money.....”

“..... You did, while acting as commercial traveller to Brown and Company, merchants in Leith, at the times and places specified in the inventory hereto subjoined, receive from the persons therein set forth the respective sums of money therein specified for the said Brown and Company, and did embezzle the same (or did embezzle £470 of money, being part thereof).....”

“..... You did pretend to Norah Omond, residing there, that you were a collector of subscriptions for a charitable society, and did thus induce her to deliver to you £15 of money as a subscription thereto, which you appropriated to your own use.....”

“..... You did reset a watch and chain, pocket book and £15.55 of money, the same having been dishonestly appropriated by theft or robbery.....”

“..... You did utter as genuine a bill, on which the name of John Jones bore to be signed as acceptor, such signature being forged by (here describe in general terms how the bill was

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uttered, and add where the bill is produced), and said bill of exchange is No. of the productions lodged herewith.....”

“..... You did utter as genuine a letter bearing to be a certificate of character of you, as a domestic servant, by Mary Watson, of 15 Bon Accord Street, Aberdeen, what was written above the signature of Mary Watson having been written there by some other person without her authority by handing it to Ellen Chisholm of Panmore Street, Forfar, to whom you were applying for a situation (*here add when the letter is produced*), and said letter is No. of the productions lodged herewith.....”

“..... You did utter a cheque signed by Henry Smith for £8 sterling, which had been altered without his authority by adding the letter Y to eight and the figure 0 to figure 8, so as to make it read as a cheque for £80 sterling, by presenting such altered cheque for payment to Allen Brown, Cashier of the Bank of Scotland at Callander (*here add when the cheque is produced*), and said cheque is No. of the productions lodged herewith.....”

“..... You did, when examined under section 45 of the <sup>M1</sup>Bankruptcy (Scotland) Act 1985 before Hubert Hamilton Esquire, sheriff of the Lothians and Borders, depone (*here state the general nature of the false statement*), in order to defraud your creditors.....”

#### Marginal Citations

M1 1985 c. 66.

“..... You did, sequestration having been awarded on your estate on the 20th March 1991, conceal property consisting of (*here state generally the property concealed*), falling under your sequestration, in order to defraud your creditor, by burying it in the garden of your house in Troon Street, Kilmarnock (*or by removing it to the house of James Kidd, your son, No. 17 Greek Street, Port-Glasgow*).....”

“..... You did set fire to a warehouse occupied by Peter Cranston in Holly Lane, Greenock, and the fire took effect on said warehouse, and this you did wilfully (*or culpably and recklessly*).....”

“..... You did set fire to the shop in Brown Street, Blairgowrie, occupied by you, with intent to defraud the Liverpool, London, and Globe Insurance Company, and the fire took effect on said shop.....”

“..... You did assault Theresa Unwin, your wife, and did beat her and did murder her.....”

“..... You did stab Thomas Underwood, baker, of Shiels Place, Oban, and did murder him.....”

“..... You did administer poison to Vincent Wontner, your son, and did murder him.....”

“..... You did strangle Mary Shaw, mill-worker, daughter of John Shaw, residing at Juniper Green, in the county of Midlothian, and did murder her.....”

“..... You were delivered of a child now dead or amissing, and you did conceal your pregnancy and did not call for or use assistance at the birth, contrary to the Concealment of Birth (Scotland) Act 1809.....”

“..... You did assault Hector Morrison, carter, of 20 Buccleuch Street, Dalkeith, and did beat him with your fists and with a stick, and did break his arm.....”

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“..... You did ravish Harriet Cowan, mill-worker, of 27 Tweed Row, Peebles.....”

“..... You did attempt to ravish Jane Peters, servant, at Glen House, near Dunbar.....”

“..... You did, when acting as railway signalman, cancel a danger signal and allow a train to enter on a part of the line protected by the signals under your charge, and did cause a collision, and did kill William Peters, commercial traveller, of Brook Street, Carlisle, a passenger in said train.....”

“..... You formed part of a riotous mob, which, acting of common purpose, obstructed A. B., C. D., and E. F., constables of the Northern constabulary on duty, and assaulted them, and forcibly took two persons whom they had arrested from their custody.....”

“..... You did, being the lawful husband of Helen Hargreaves, of 20 Teviot Row, Edinburgh, and she being still alive, bigamously marry Dorothy Rose, a widow, of 7 Blacks Row, Brechin, and did cohabit with her as her husband.....”

“..... You being sworn as a witness in a civil cause, then proceeding in the sheriff court, deponed (*here set forth the statements said to be false*) the truth as you knew being that (*here state the true facts*).....”

“..... You did suborn James Carruthers, scavenger, 12 Hercules Street, Edinburgh, to depone as a witness in the sheriff court of Edinburgh, that (*here set forth the statements said to be false*), and he did (*time and place*) depone to that effect, the truth as you knew being (*here state the true facts*).....”

“..... You did deforce John Macdonald, a sheriff officer of Renfrewshire, and prevent him serving a summons issued by the sheriff of Renfrewshire upon Peter M’Innes, market gardener in Renfrew.....”

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#### Marginal Citations

**M1** 1985 c. 66.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)