
Changes to legislation: Criminal Procedure (Scotland) Act 1995, SCHEDULE 5 is up to date with all changes known to be in force on or before 26 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 5

Section 138(2).

FORMS OF COMPLAINT AND CHARGES

The following Forms are additional to those contained in Schedule 2 to this Act, all of which, in so far as applicable to charges which may be tried summarily, are deemed to be incorporated in this Schedule:—

You did assault A.L. and strike him with your fists.

You did conduct yourself in a disorderly manner and commit a breach of the peace.

You did threaten violence to the lieges and commit a breach of the peace.

You did fight and commit a breach of the peace.

You did publicly expose your person in a shameless and indecent manner in presence of the lieges.

You did obtain from A.N. board and lodging to the value of £16 without paying and intending not to pay therefor.

You did maliciously knock down 20 metres of the coping of a wall forming the fence between two fields on the said farm.

You did maliciously place a block of wood on the railway line and attempt to obstruct a train.

You did drive a horse and cart recklessly to the danger of the lieges.

You did break into a poultry house and steal three fowls.

You did steal a coat which you obtained from R.O. on the false representation that you had been sent for it by her husband.

having received from D.G. £6 to hand to E.R., you did on *(date)* at *(place)* steal the said sum.

having received from G.R. a watch in loan, you did on at , sell it to E.G., and steal it.

having found a watch, you did, without trying to discover its owner, sell it on at , to O.R., and steal it.

You did acquire from K.O., a private in the Third Battalion a military jacket and waist belt, contrary to section 195 of the Army Act 1955.

You, being a person whose estate has been sequestrated, did obtain credit from W.A. to the extent of £260 without informing him that your estate had been sequestrated and that you had not received your discharge, contrary to section 67(9) of the Bankruptcy (Scotland) Act 1985.

You, being the occupier of the said house, did use the same for the purpose of betting with persons resorting thereto, contrary to section 1 of the Betting, Gaming and Lotteries Act 1963.

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You did frequent and loiter in the said street for the purpose of betting and receiving bets, contrary to section 8 of the Betting, Gaming and Lotteries Act 1963.

You did assault L.S., a constable of the Police, while engaged in the execution of his duty, and with a stick strike him on the face to the great effusion of blood contrary to section 41 of the Police (Scotland) Act 1967.

F1

Textual Amendments
F1 Sch. 5: entry repealed (3.11.2006) by [The Animal Health and Welfare \(Scotland\) Act 2006 \(Consequential Provisions\) Order 2006 \(S.S.I. 2006/536\)](#), art. 2(3), **Sch. 3**

You did wilfully neglect your children K.I., aged seven years; J.I., aged five years; and H.I., aged three years, by failing to provide them with adequate food and clothing, and by keeping them in a filthy and verminous condition, contrary to section 12 of the Children and Young Persons (Scotland) Act 1937.

You are the owner of a dog which is dangerous and not kept under proper control, and which on in did chase a flock of sheep, contrary to section 2 of the Dogs Act 1871, section 2, as amended by section 1 of the Dogs Act 1906, whereby you are liable to be ordered to keep the said dog under proper control or to destroy it.

You, being a parent of D.U., a child of school age, aged , who has attended school, and the said child having failed, between and , without reasonable excuse, to attend regularly at the said school, you are thereby guilty of an offence against section 35 of the Education (Scotland) Act 1980.

F2

Textual Amendments
F2 Sch. 5: entry repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), art. 28(1)(2)(3), Sch. 5 para. 21(a), **Sch. 6 Pt. 1**

F3

Textual Amendments
F3 Sch. 5: entry repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), art. 28(1)(2)(3), Sch. 5 para. 21(b), **Sch. 6 Pt. 1**

You did sell and deliver to N.C. to his prejudice an article of food namely; gallons of sweet milk which was not of the nature, substance and quality of the article demanded by him and was not genuine sweet milk in respect that it was deficient in milk fat to the extent of per cent, or thereby in that it contained only per cent, of milk fat, conform to certificate of analysis granted on (date) by A.N. analytical chemist (address), public analyst for (a copy of which certificate of analysis is annexed hereto) of a sample of the said milk taken (specify time and place) by L.O., duly appointed sampling officer for , acting under the direction of the local authority for the said burgh, while the said milk was in course of delivery to the said N.C. contrary to the Food Act 1984, and the Sale of Milk Regulations 1901.

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You did take part in gaming in the street contrary to sections 5 and 8 of the Gaming Act 1968.

F4
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Textual Amendments

F4 Words in Sch. 5 repealed (2.7.2012) by [The Wildlife and Natural Environment \(Scotland\) Act 2011 \(Consequential Modifications\) Order 2012 \(S.S.I. 2012/215\)](#), reg. 1, **sch. pt. 3**

F4
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You did present or cause to be presented to W.E., Assessors for a return in which you falsely stated that the yearly rent of your House. No. Street, , was £20, instead of £30, contrary to section 7 of the Lands Valuation (Scotland) Act 1854.

F5
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Textual Amendments

F5 Sch. 5: entries relating to "sections 74(2) and 76 of the Licensing (Scotland) Act 1976" repealed (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), arts. 1(2), 2(2), **Sch. 2**

F5
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You did drive a motor car recklessly contrary to section 2 of the Road Traffic Act 1988.

You did act as a pedlar without having obtained a certificate, contrary to section 4 of the Pedlars' Act 1871.

F6
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Textual Amendments

F6 Words in Sch. 5 repealed (26.3.2001) by [S.I. 2001/1149](#), art. 3(2), **Sch. 2**

You did travel in a railway carriage without having previously paid your fare, and with intent to avoid payment thereof, contrary to section 5(3)(a) of the Regulation of Railways Act 1889.

having on within the house No. Street, given birth to a female child, you did fail, within twenty-one days thereafter, to attend personally and give information to C.W., registrar of births, deaths, and marriages for (Registration District), of the particulars required to be registered concerning the birth, contrary to sections 14 and 53 of the Registration of Births, Deaths, and Marriages (Scotland) Act 1965.

You did take two salmon during the annual close time by means of cobles and sweep nets, contrary to section 15 of the Salmon Fisheries (Scotland) Act 1868.

You had in your possession for use for trade a counter balance which was false, and two weights, which were unjust, contrary to the Weights and Measures Act 1985, section 17.

Changes to legislation:

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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.)