

1985 No. 43 (S. 2)**SUMMARY JURISDICTION, SCOTLAND****Act of Adjournal (Forms of Complaint) (Amendment) 1985**

Made - - - - - 15th January 1985
Coming into Operation 6th February 1985

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 457 of the Criminal Procedure (Scotland) Act 1975(a) and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Forms of Complaint) (Amendment) 1985 and shall come into operation on 6th February 1985.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Amendment of Act of Adjournal (Forms of Complaint) 1978

2.—(1) The Act of Adjournal (Forms of Complaint) 1978(b) shall be amended as follows.

(2) In paragraph (5)—

- (a) in sub-paragraph (a), before the word “form” where it first occurs insert the word “reply”; and
- (b) omit sub-paragraphs (c) and (d).

(3) In the Schedules—

- (a) for Schedule 3, substitute Schedule 3 (Form of citation) in part I of the Schedule to this Act of Adjournal;
- (b) for Schedule 5, substitute Schedule 5 (Form of reply to complaint) in part II of the Schedule to this Act of Adjournal; and
- (c) for Schedule 6, substitute Schedule 6 (Means form) in part III of the Schedule to this Act of Adjournal.

(4) Schedules 7 and 8 are revoked.

(a) 1975 c.21.
(b) S.I. 1978/834.

Edinburgh,
15th January 1985.

Emslie,
Lord Justice General
I.P.D.

SCHEDULE

PART I

SCHEDULE 3

FORM OF CITATION

CITATION *PF REF*
 (This number must be quoted on all correspondence)

A COPY COMPLAINT IS
 ENCLOSED FROM THE
 PROCURATOR FISCAL

.....

YOUR CASE WILL BE
 HEARD ON

at.....

.....a.m.....p.m.

IN THE SHERIFF
 COURT HOUSE

.....

PROCURATOR FISCAL
 DEPUTE

.....

WHAT MUST I DO?

You must answer the complaint on or before the date the case is to be heard.

HOW DO I ANSWER THE COMPLAINT?

There are 3 methods:—

1. Attend Court personally
2. Arrange for your lawyer or some other person to attend
3. Write to the Court (REPLY FORM and envelope attached)

WHAT WILL HAPPEN IF I DO NOTHING?

A warrant may be issued for your arrest.

WHAT ABOUT MY FINANCIAL CIRCUMSTANCES?

YOU DO NOT HAVE TO GIVE ANY INFORMATION ABOUT THESE: but if you are pleading guilty and you wish the Court to consider your financial circumstances you should give as much information as you wish on the enclosed form (INFORMATION ABOUT YOUR MEANS).

CAN I GET LEGAL AID?

In certain circumstances Legal Aid is granted. If you want to know more apply to the Clerk of Court in the Sheriff Court where your case will be heard.

<p>NAME AND ADDRESS OF ACCUSED</p>

DATE OF BIRTH

Check that your name, address and date of birth are shown correctly. Please correct anything that is wrong.

PART II

SCHEDULE 5

FORM OF REPLY TO COMPLAINT

REPLY FORM *PF REF*.....
 (This number must be quoted on all correspondence)
 COURT DATE at.....am/pm
 AT SHERIFF COURT

PLEASE COMPLETE WHICHEVER SECTION APPLIES

Section 1. PLEADING NOT GUILTY

I PLEAD NOT GUILTY. Please send me a note of the date of trial.

Signed..... Date.....

PLEASE NOW RETURN THIS FORM IN THE ENVELOPE PROVIDED

Section 2. PLEADING GUILTY

I PLEAD GUILTY TO THE CHARGE(S)

except.....

Signed..... Date.....


PLEASE CONTINUE TO COMPLETE THIS FORM

MOTORING OFFENCES

If you are pleading guilty to a motoring offence and if the Notice of Penalty for that offence shows that your licence could be endorsed:—

PLEASE SEND YOUR DRIVING LICENCE (*BUT NOT YOUR HGV*) WITH THIS FORM

NAME AND ADDRESS OF ACCUSED

PLEASE TURN OVER 

DATE OF BIRTH

Check that your name, address and date of birth are shown correctly.
 Please correct anything that is wrong.

PART III
SCHEDULE 6
MEANS FORM

INFORMATION ABOUT YOUR MEANS

PF REF

- You are not required by law to return this form completed but it can help you and the court.
- If you are found guilty and are fined, the information you give here will help the court to set an amount which you can reasonably afford and to give you the time you need to pay.
- The information you give on this form will not be used for any other purpose.
- If you decide to plead guilty by letter please complete this form and the reply form and send them to the court.
- If you decide to appear in court, you may hand the form in when you appear.
- If the information you have given below changes a great deal between now and the court hearing you should tell the clerk of court
—he will give you another form to fill in.

PERSONAL DETAILS (Please use **BLOCK CAPITALS** and tick the appropriate box, where required.)

1. Your full name	_____
2. Your address	_____ _____
3. Are you: Married	<input type="checkbox"/> Single <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/>
4. Are you the head of your household?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. How many children (under 16) do you support?	_____
6. Is there anyone else financially dependent on you?	Yes <input type="checkbox"/> No <input type="checkbox"/>
(a) If YES, what is their relationship to you?	_____

YOUR JOB

7. Are you: Employed <input type="checkbox"/> Unemployed <input type="checkbox"/> Self-employed <input type="checkbox"/> Other <input type="checkbox"/>
(a) If OTHER, please give details here _____
(b) If EMPLOYED, please give your job here _____

YOUR WEEKLY INCOME

YOUR WEEKLY EXPENSES

You may not receive your money or pay your bills weekly. Even so, please try to work out what the weekly figures would be.

	£
8. a) Your usual weekly take-home pay including over-time. (If self-employed give your usual earnings):	_____
b) Usual total take-home pay of other household earners:	_____
c) Total Social Security payments received in your household each week:	_____
d) Total Pensions received in your household each week:	_____
Usual total WEEKLY household income	_____

	£
9. a) Housing (rent, rates, mortgage) (If you pay board and lodgings give the amount):	_____
b) Fuel (electricity, coal, gas etc):	_____
c) Food:	_____
d) Travel:	_____
e) Weekly cost of supporting anyone else (see question 6)	_____
f) Other big weekly payments (such as Hire Purchase agreements or re-payment of rent arrears):	_____
Usual total WEEKLY expenses	_____

GENERAL DETAILS

10. If the court decides to fine you, how much do you think you could afford to pay each week?	£ _____
11. Please give any other information about your finances which you would like the court to know here. (You can continue over the page if you need to.)	_____ _____

SIGNATURE BOX

12. I declare that the information I have given in this form is true.	
Signed _____	Date _____

EXPLANATORY NOTE

(This Note is not part of the Act of Adjournal.)

This Act of Adjournal amends the Act of Adjournal (Forms of Complaint) 1978 by substituting more simplified forms for the forms in Schedules 3 (Citation), 5 (Form of letter stating plea) and 6 (Means form). The new forms are—Schedule 3 (Form of citation), Schedule 5 (Form of reply to complaint) and Schedule 6 (Means form). Schedules 7 and 8 of the 1978 Act of Adjournal are revoked. The form in Schedule 7 (Form of direction to accused as to how the complaint may be answered) is now contained in the new Schedule 3. Schedule 8 is no longer necessary.

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