
STATUTORY INSTRUMENTS

1989 No. 1020 (S.100)

**HIGH COURT OF JUSTICIARY, SCOTLAND
SUMMARY JURISDICTION, SCOTLAND**

**Act of Adjournal (Consolidation Amendment No.2)
(Forms of Warrant for Execution and Charge for
Payment of Fine or Other Financial Penalty) 1989**

Made - - - - *15th June 1989*
Coming into force - - *10th July 1989*

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975((1)) and of all other powers enabling 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 (Consolidation Amendment No.2) (Forms of Warrant for Execution and Charge for Payment of Fine or Other Financial Penalty) 1989 and shall come into force on 10th July 1989.

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

Amendment of Act of Adjournal (Consolidation) 1988

2.—(1) The Act of Adjournal (Consolidation) 1988((2)) shall be amended in accordance with the following sub-paragraphs.

(2) After rule 83, insert the following rule:—

“Forms of warrant for execution and charge for payment of fine or other financial penalty

83A.—(1) In every extract of a sentence of a fine or other financial penalty, there shall be included a warrant for execution in the following terms:—

“and the Lords [or sheriff] grant(s) warrant for all lawful execution hereon.”.

(1) 1975 c. 21; section 282 was amended by paragraph 47, and section 457 was amended by paragraph 72, of Schedule 7 to the Criminal Justice (Scotland) Act 1980 (c. 62).
(2) S.I.1988/110, to which there is an amendment not relevant to this Act of Adjournal.

(2) The form of charge for payment of a fine or other financial penalty to be used by a sheriff officer under section 90 of the Debtors (Scotland) Act 1987((3)) shall be in Form 36A of Schedule 1.”.

(3) After rule 126, insert the following rule:—

“Forms of warrant for execution and charge for payment of fine or other financial penalty

126A.—(1) In every extract of a sentence of a fine or other financial penalty, there shall be included a warrant for execution in the following terms:—

“and the sheriff [or justice(s)] grant(s) warrant for all lawful execution hereon.”.

(2) The form of charge for payment of a fine or other financial penalty to be used by a sheriff officer under section 90 of the Debtors (Scotland) Act 1987 shall be in Form 36A of Schedule 1.”.

(4) In Schedule 1, after Form 36, insert Form 36A in the Schedule to this Act of Adjournal.

Edinburgh
15th June 1989

Emslie
Lord Justice General, IPD

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

SCHEDULE

Paragraph 2(4)

FORM 36A FORM OF CHARGE FOR PAYMENT OF A FINE OR OTHER FINANCIAL PENALTY

Rules 83A and 126A

CHARGE FOR PAYMENT OF A FINE OR OTHER FINANCIAL PENALTY instructed by
the sheriff clerk (*address*) or Clerk to the District Court (*address*)

To (*name and address of person fined or subject to the financial penalty*)

On (*date*) a fine [*or financial penalty*] (*give details and total amount of fine or other financial penalty*)
was imposed on you in the High Court of Justiciary [*or Sheriff Court or District Court*] at (*place*)

The court authorised recovery of the fine [*or other financial penalty*] on (*date*) and an extract conviction
was issued in respect of the outstanding balance of £

I, (*name and address*), sheriff officer, by virtue of the extract conviction in Her Majesty's name and
authority and in the name and authority of the Lords Commissioners of Justiciary [*or sheriff or justice*]
at (*place*), charge you to pay the total sum due within [14] days after the date of this charge to the sheriff
clerk [*or clerk to the District Court*] (*address*)

If you do not pay this sum within [14] days you are liable to have further action taken against you.

This charge is served on you today by me (*state method of service*) and is witnessed by (*name and
address of witness*)

Dated the _____ day of _____ 19____

(*Signed*)
Witness

(*Signed*)
Sheriff Officer

EXPLANATORY NOTE

(*This note is not part of the Act of Adjournal*)

This Act of Adjournal makes provision for the forms of warrant for execution of a sentence of a fine or other financial penalty, and the form of a charge for the payment of a fine or other financial penalty to be used by a sheriff officer under section 90 of the Debtors (Scotland) Act 1987.