

## SCHEDULE 2

### CRIMINAL PROCEDURE RULES 1996

#### *PART IV*

#### *Summary proceedings*

#### **CHAPTER 16**

#### **COMPLAINTS**

##### **Form of complaints and related notices and forms**

**16.1.**—(1) The form of complaint referred to in section 138(1) of the Act of 1995 shall be in Form 16.1-A.

(2) The form of citation of an accused referred to in section 140(2) of the Act of 1995 shall be in Form 16.1-B.

(3) The procurator fiscal shall send to the accused with the citation in Form 16.1-B—

(a) a reply form in Form 16.1-C for completion and return by him stating whether he pleads guilty or not guilty; and

(b) a means form in Form 16.1-D for completion and return by him.

(4) The form of notice of previous convictions to be served on an accused under section 166(2) of the Act of 1995 shall be in Form 16.1-E.

##### **Signature of prosecutor**

**16.2.**—(1) The prosecutor shall sign the principal complaint and the citation to the accused.

(2) Any document sent with the citation to the accused including the copy complaint shall, for the purposes of such signature, be treated as part of the citation.

##### **Effect of failure by prosecutor to comply with certain requirements**

**16.3.** The validity of any proceedings against an accused shall not be affected by reason only of the failure of the prosecutor to comply in any respect with a requirement of rule 16.1(3) (reply and means forms).

##### **Further procedural forms**

**16.4.**—(1) The form of incidental application referred to in section 134 of the Act of 1995 (incidental applications) shall be in Form 16.4-A.

(2) The form of assignation of a diet shall be in Form 16.4-B.

(3) The form of minutes in the record of proceedings in summary proceedings shall be in Form 16.4-C.

##### **Form of certain warrants**

**16.5.**—(1) The form of warrant referred to in section 135 of the Act of 1995 (warrants of apprehension and search)—

(a) to apprehend an accused shall be in Form 16.5-A;

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(b) to search the person, dwelling house and repositories of the accused shall be in Form 16.5-B.

(2) The form of order adjourning a diet and granting warrant to detain an accused shall be in Form 16.5-C.

#### **Citation of witnesses**

**16.6.**—(1) The form of postal citation of a person to appear as a witness at a trial on a summary complaint shall be in Form 16.6-A; and the witness shall complete and return Form 16.6-B to the procurator fiscal, or the accused or his solicitor, as the case may be, in the pre-paid envelope provided within 14 days after the date of citation.

(2) The form of personal citation of a witness at a trial on a summary complaint shall be in Form 16.6-C.

#### **Applications for alteration of diets**

**16.7.**—(1) Where the prosecutor and the accused propose to make a joint application orally to the court under section 137(2) of the Act of 1995 (application for alteration of diet) for postponement of a diet that has been fixed, they may do so only at a diet which has been duly assigned and which has been called.

(2) An application by an accused under section 137(5) of the Act of 1995 (application to postpone or accelerate diet) shall be made in Form 16.7.