
EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules 1996 ([S.I. 1996/513](#)) (“the 1996 Rules”) to make provisions consequent upon the Antisocial Behaviour etc. (Scotland) Act 2004, which makes a community reparation order available as a sentence. It also makes provision that an incidental application by the prosecutor when the prosecutor’s office is closed can be unsigned.

Paragraph 2(2) amends rule 2.6 (forms of execution of service) to include reference to the forms of execution of service of citations of offenders subject to a community reparation order.

Paragraph 2(3) inserts a new rule 16.4A to provide that the prosecutor does not have to sign an incidental application under section 134 of the Criminal Procedure (Scotland) Act 1995 which is made when the office of the prosecutor is closed but must indicate the name of the prosecutor making the application. The oath of a police officer is sufficient to authenticate that the application has been made by the prosecutor named in it.

Paragraph 2(4) inserts a new rule 20.12C which sets out the form of a community reparation order and the forms of citation of the offender where the offender is alleged to have failed to comply with a direction under the order or an application is made to extend, vary or revoke the order.

Paragraph 2(5) amends rule 20.17 (use of certified copy documents in certain proceedings) to allow certified copy documents rather than originals to be before a court other than the court that made the order where it is dealing with proceedings relating to a community reparation order.

Paragraph 2(6) amends the appendix to the 1996 Rules by inserting various forms in connection with community reparation orders.