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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 62**

**SHERIFF COURT  
JUSTICE OF THE PEACE COURT**

**Act of Adjournal (Criminal Procedure Rules  
Amendment No. 2) (Miscellaneous) 2008**

*Made - - - - 20th February 2008  
Coming into force in accordance with paragraph 1(2)  
and (3)*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 305 of the Criminal Procedure (Scotland) Act 1995<sup>(1)</sup>, and of all other powers enabling them in that behalf do hereby enact and declare:

**Citation, commencement and interpretation**

**1.—**(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 2) (Miscellaneous) 2008 and shall come into force in accordance with subparagraphs (2) and (3).

(2) Paragraph 2 comes into force on 10th March 2008.

(3) Paragraph 3 comes into force on 1st April 2008.

(4) In this Act of Adjournal, “the Rules” means the Criminal Procedure Rules 1996<sup>(2)</sup>.

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

**Means Form**

**2.** In the appendix to the Rules, for Form 16.1-D (means form) substitute the form set out in the Schedule to this Act of Adjournal.

**Adult vulnerable witnesses in summary proceedings**

**3.—**(1) In the appendix to the Rules, in Form 22.1A<sup>(3)</sup> (vulnerable witness application) after “(place)” insert—

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<sup>(1)</sup> 1995 c. 46.

<sup>(2)</sup> The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I.1996/513, last amended by S.S.I. 2008/ 61).

<sup>(3)</sup> Form 22.1A was inserted by S.S.I. 2006/76 and amended by S.S.I. 2007/495.

“[or has been charged in the above court on a summary complaint at the instance of the procurator fiscal with a trial diet on *(date)* in the sheriff court of *(place)*.”.

(2) The following provisions are revoked:—

- (a) in the Act of Adjournal (Criminal Procedure Rules Amendment No. 3) (Vulnerable Witnesses (Scotland) Act 2004) 2005<sup>(4)</sup>, paragraph 2(2);
- (b) in the Act of Adjournal (Criminal Procedure Rules Amendment No. 6) (Vulnerable Witnesses (Scotland) Act 2004) (Evidence on Commission) 2005<sup>(5)</sup>, paragraph 2(2); and
- (c) in the Act of Adjournal (Criminal Procedure Rules Amendment) (Vulnerable Witnesses (Scotland) Act 2004) 2006<sup>(6)</sup>, paragraphs 2(2) and (3).

Edinburgh  
20th February 2008

*A C Hamilton*  
Lord Justice General I.P.D.

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<sup>(4)</sup> S.S.I. 2005/188.  
<sup>(5)</sup> S.S.I. 2005/574.  
<sup>(6)</sup> S.S.I. 2006/76.

## SCHEDULE

Paragraph 2

Form 16.1-D

Rule 16.1(3)(b)

### INFORMATION ABOUT YOUR MEANS

You are not required by law to fill in this form and return it but it can help both you and the court if you do.

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 only be used for your court case and any financial penalty that may result from it. It 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 return them to the Procurator Fiscal in the pre-paid envelope provided.

If you decide to appear in court, you may hand the form in to a court official when you appear.

If the information you have given below changes between now and the court hearing you should tell the clerk of the court – he or she 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. Date of birth: .....           |
| 3. Your address: .....<br>.....   |                                   |
| 4. Home telephone number: .....   | 5. Mobile telephone number: ..... |
| 6. Your email address: .....  |                                   |
| 7. Are you:    Home owner <input type="checkbox"/> Council tenant <input type="checkbox"/> Private tenant <input type="checkbox"/> Other <input type="checkbox"/> |                                   |
| 8. How many children (under 16) do you support? .....   |                                   |
| 9. Is there anyone else financially dependent on you?   | YES/NO                            |
| 9a. If YES, what is their relationship to you? .....  |                                   |
| 10. Your National Insurance number: .....   |                                   |
| 11. Do you own a motor vehicle?   | YES/NO                            |
| 11a. If YES, what is the Vehicle Registration Number: .....   |                                   |

12. Are you:      Employed    ☐      Unemployed    ☐      Self-Employed    ☐      Other    ☐

12a. If OTHER, please give details here: .....

12b. If EMPLOYED, please give your job here: .....

Your Employer's Name: .....

Your Employer's Address: .....

Your Employer's Telephone Number: .....

12c. Is your employment:    Permanent    ☐    Fixed Term    ☐    12d. If fixed term, for how long: .....

12e. If UNEMPLOYED, please give date since last employment: .....

13. Your usual weekly take-home pay including overtime  
(if self-employed give your usual earnings): £ . . . . .

14. Do you receive benefits? YES/NO

14a. If YES, please tick all types of benefit that you receive:

Job Seekers Allowance ☐ Pension Credit ☐ Income Support ☐ Incapacity Benefit ☐

Tax Credits ☐ Other Credits ☐ Other Benefits ☐

14b. Total Social Security payments (benefits) which you receive each week: £ . . . . .

15. Total Pensions which you receive each week: £ . . . . .

16. Usual total weekly income: £ \_\_\_\_\_

17. (a) Housing (rent, rates, mortgage): £ ..... (b) Fuel (electricity, coal, gas etc): £ .....  
(c) Food: £ ..... (d) Travel: £ .....  
(e) Weekly cost of supporting anyone else: £ ..... (f) Other big weekly payments: £ .....  
(see question 9) (such as Hire Purchase agreements or repayment of rent arrears)

18. Usual total weekly expenses: £ .....

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

#### GENERAL DETAILS

19. Do you have a Bank/Building Society Account?	YES/NO
19a. If YES, please give name and branch of your Bank/Building Society here: . . . . .	
.....	
20. Do you have any other accounts or savings (such as shares, ISAs)?	YES/NO
20a. If YES, please give details here: .....	
21. Your Total Savings: £ .....	
22. If the court decides to fine you, how much do you think you could afford to pay each week? £ . . . . .	
23. Please give any other information about your finances which you would like the court to know here: (You can continue over the page or on a separate paper if you need to)	

#### SIGNATURE BOX

24. I declare that the information I have given in this form is true and complete.	
Signed .....	Date .....

#### EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules 1996.

Paragraph 2 substitutes a new Form 16.1-D (means form).

Paragraph 3 amends the Rules to make provision consequential on the commencement of the provisions of the Vulnerable Witnesses (Scotland) Act 2004 in relation to adult vulnerable witnesses in summary proceedings in the sheriff court.

Paragraph 3(1) amends the form of vulnerable witness application set out in the appendix to the Rules to allow it to apply in summary proceedings.

Paragraph 3(2) revokes provision which is no longer necessary in consequence of the completion of the commencement of the Vulnerable Witnesses (Scotland) Act 2004.