
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 443

**Act of Adjournal (Criminal Procedure Rules
1996 Amendment) (No. 6) (Special Measures
in the Justice of the Peace Court) 2015**

Amendment of the Criminal Procedure Rules 1996

- 2.—(1) The Criminal Procedure Rules 1996(1) are amended in accordance with this paragraph.
(2) For rule 22.9 (evidence of vulnerable witnesses: transfer of cases)(2) substitute—

“Transfer of cases

22.9. This rule applies where the sheriff or justice of the peace makes an order under—

(a) section 271J(4) of the Act of 1995 (live television link: transfer of proceedings)(3);
or

(b) section 271K(3) of the Act of 1995 (screens: transfer of proceedings)(4).

(2) When an order is made, the clerk of court must transmit to the clerk of the court to which the proceedings are transferred—

(a) the record copy of the indictment or complaint;

(b) the minute of proceedings;

(c) any productions;

(d) any relevant documents.”.

(3) In rule 22.11 (appointment of commissioner)(5)—

(a) in paragraph (1), for “the High Court or the sheriff” substitute “the High Court, the sheriff or the justice of the peace”.

(b) in paragraphs (2) and (3), for “the Clerk of Justiciary or sheriff clerk, as the case may be,” substitute “the clerk of court”.

(4) In rule 22.13 (video recording of commission)(6), in paragraphs (1), (2), (3) and (4), for “the Clerk of Justiciary or sheriff clerk, as the case may be,” in each place where it occurs substitute “the clerk of court”.

(5) In rule 22.14 (custody of video recording and documents)(7), in paragraphs (1) and (2), for “the Clerk of Justiciary or sheriff clerk, as the case may be,” substitute “the clerk of court”.

(6) In the Appendix—

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- (1) The Criminal Procedure Rules 1996 are in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2015/375).
(2) Rule 22.9 was substituted by S.S.I. 2005/188.
(3) Section 271J(4) was inserted by the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 1. It is applied to the justice of the peace court by S.S.I. 2015/xxx, article 3(1) and (4).
(4) Section 271K(3) applies section 271J(4) and (5), with modifications, for the purposes of using a screen under section 271K.
(5) Rule 22.11 was inserted by S.S.I. 2005/574.
(6) Rule 22.13 was inserted by S.S.I. 2005/574.
(7) Rule 22.14 was inserted by S.S.I. 2005/574.

- (a) in Form 22.1 (form of vulnerable witness notice under section 271A(2) of the Criminal Procedure (Scotland) Act 1995)(**8**)—
- (i) after “[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” insert “[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*) AT (*place*)]”;
 - (ii) in paragraph 1, after “the sheriff court of (*place*)” where it second occurs, insert “[or the justice of the peace court of (*place*)]”;
 - (iii) after “LORDSHIP[S]”, insert “[or THE COURT]”;
 - (iv) after “Lordship[s]”, insert “[or the Court]”.
- (b) in Form 22.1ZA (Form of vulnerable witness notice under section 271A(2) of the Criminal Procedure (Scotland) Act 1995: standard special measures)(**9**)—
- (i) after “[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” insert “[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*) AT (*place*)]”;
 - (ii) in paragraph 1, after “the sheriff court of (*place*)” where it second occurs, insert “[or the justice of the peace court of (*place*)]”;
 - (iii) after “LORDSHIP[S]”, insert “[or THE COURT]”;
 - (iv) after “Lordship[s]”, insert “[or the Court]”.
- (c) in Form 22.1A (form of vulnerable witness application under section 271C(2) of the Criminal Procedure (Scotland) Act 1995)(**10**)—
- (i) after “[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” insert “[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*) AT (*place*)]”;
 - (ii) in paragraph 1, after “the sheriff court of (*place*)” where it second occurs, insert “[or the justice of the peace court of (*place*)]”;
 - (iii) after “LORDSHIP[S]”, insert “[or THE COURT]”;
 - (iv) after “Lordship[s]”, insert “[or the Court]”.
- (d) in Form 22.2A (form of objection notice under section 271A(4A) or 271C(4A) of the Criminal Procedure (Scotland) Act 1995)(**11**)—
- (i) after “[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” insert “[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*) AT (*place*)]”;
 - (ii) after “LORDSHIP[S]”, insert “[or THE COURT]”;
 - (iii) after “Lordship[s]”, insert “[or the Court]”.
- (e) in Form 22.4 (Form of application for review of arrangements for taking evidence under section 271D of the Criminal Procedure (Scotland) Act 1995)(**12**)—
- (i) after “[or [UNTO THE HONOURABLE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” insert “[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*) AT (*place*)]”;
 - (ii) after “LORDSHIP[S]”, insert “[or THE COURT]”;

(**8**) Form 22.1 was inserted by [S.S.I. 2005/188](#) and last amended by [S.S.I. 2015/295](#).

(**9**) Form 22.1ZA was inserted by [S.S.I. 2015/295](#).

(**10**) Form 22.1A was inserted by [S.S.I. 2006/76](#) and last amended by [S.S.I. 2015/295](#).

(**11**) Form 22.2A was inserted by [S.S.I. 2015/295](#).

(**12**) Form 22.4 was inserted by [S.S.I. 2005/188](#) and last amended by [S.S.I. 2015/295](#).

- (iii) after “Lordship[s]”, insert “[or the Court]”.
- (f) in Form 22.8A (minute seeking prohibition of personal conduct of defence by accused under section 288F of the Criminal Procedure (Scotland) Act 1995)(**13**)—
 - (i) after “[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” insert “[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*) AT (*place*)]”;
 - (ii) after “LORDSHIP[S]”, insert “[or THE COURT]”;
 - (iii) after “Lordship[s]”, insert “[or the Court]”.
- (g) in Form 22.8B (notice to accused where an order granted prohibiting the personal conduct of defence by the accused under section 288F of the Criminal Procedure (Scotland) Act 1995)(**14**)—
 - (i) after “[or in the sheriff court]” insert “[or in the justice of the peace court]”;
 - (ii) after “[or first diet]” insert “[or intermediate diet]”.
- (h) In Form 22.15 (form of application for leave for accused to be present during a commission under section 271I(3) of the Criminal Procedure (Scotland) Act 1995)(**15**)—
 - (i) after “[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*) AT (*place*)]” insert “[or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT OF (*name of sheriffdom*) AT (*place*)]”;
 - (ii) after “Lordship[s]”, in each place where it occurs, insert “[or the Court]”.

(13) Form 22.8A was inserted by [S.S.I. 2005/188](#) and last amended by [S.S.I. 2007/511](#).

(14) Form 22.8B was inserted by [S.S.I. 2005/188](#) and last amended by [S.S.I. 2007/511](#).

(15) Form 22.15 was inserted by [S.S.I. 2005/574](#) and last amended by [S.S.I. 2007/237](#).