

SCHEDULE

Paragraph 2(5)

Form 66.2–A

Rule 66.2(1)

Form of application for review of investigative liberation conditions

UNTO THE HONOURABLE THE SHERIFF OF *(name of sheriffdom)*

AT *(place)*

APPLICATION

of

[A.B.]

APPLICANT

Police National Custody Number.

for

REVIEW OF INVESTIGATIVE LIBERATION CONDITION[S]

under section 19(1) of the Criminal Justice (Scotland) Act 2016

HUMBLY SHEWETH, that:

1. On *(here insert date)* the Applicant was released from custody in *(here insert place of detention)* and the following condition[s] was *[or were]* imposed *(here insert condition(s) imposed under section 16(2) of the Criminal Justice (Scotland) Act 2016 and attach copy of conditions)*.
2. The Applicant seeks a review of *(here insert condition(s) in respect of which review is sought)* on the following grounds: *(here insert grounds for review)*.

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

- (1) to order intimation of this application to be made to the procurator fiscal;
- (2) to ordain the Applicant and, if so advised, the procurator fiscal to be heard thereon; and
- (3) to remove the condition[s] referred to at paragraph 2 or do otherwise as to your Lordship seems fit.

Status: This is the original version (as it was originally made).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

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

Or

Solicitor for Applicant

Form 66.2–B

Rule 66.2(4)

Form of modification of investigative liberation conditions

MODIFICATION OF INVESTIGATIVE LIBERATION CONDITION[S]

under section 19(3) of the Criminal Justice (Scotland) Act 2016

Court Reference.

Police National Custody Number.

Court:

Date:

Applicant:

Address:

Date of birth:

THE COURT:

1. Having considered the application to review the investigative liberation condition[s] imposed on the Applicant on *(here insert date)*;
2. Not being satisfied that the condition[s] *(here specify condition(s))* is [or are] necessary and proportionate for the purpose[s] for which it was [or they were] imposed;
3. REMOVES the condition[s] [*and IMPOSES the following alternative condition(s) (here specify alternative condition(s) imposed)*].

(Signed)

Clerk of Court

Status: This is the original version (as it was originally made).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

Form 66.3–A

Rule 66.3(1)

Form of application for review of undertaking conditions

UNTO THE HONOURABLE THE SHERIFF OF *(name of sheriffdom)*

AT *(place)*

APPLICATION

of

[A.B.]

APPLICANT

Police National Custody Number.

for

REVIEW OF UNDERTAKING CONDITION[S]

under section 30(1) of the Criminal Justice (Scotland) Act 2016

HUMBLY SHEWETH, that:

1. On *(here insert date)* the Applicant was released from custody in *(here insert place of detention)* and the following condition[s] was *[or were]* imposed *(here insert condition(s) imposed under section 26(3)(b) of the 2016 Act and attach copy of condition(s))*.
2. The Applicant seeks a review of *(here insert condition(s) in respect of which review is sought)* on the following grounds: *(here insert grounds for review)*.

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

- (1) to order intimation of this application to be made to the procurator fiscal;
- (2) to ordain the Applicant and, if so advised, the procurator fiscal to be heard thereon; and
- (3) to remove the condition[s] referred to at paragraph 2 or do otherwise as to your Lordship seems fit.

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ACCORDING TO JUSTICE, etc.

(signed)

Applicant

or

Solicitor for Applicant

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Form 66.3–B

Rule 66.3(4)

Form of order for modification of undertaking conditions

MODIFICATION OF UNDERTAKING CONDITION[S]
under section 30(3) of the Criminal Justice (Scotland) Act 2016

Court Reference.

Police National Custody Number.

Court:

Date:

Applicant:

Address:

Date of birth:

THE COURT:

1. Having considered the application to review the undertaking condition[s] imposed on the applicant on *(here insert date)*;
2. Not being satisfied that the condition[s] *(here specify condition(s))* is [or are] necessary and proportionate for the purpose[s] for which it was [or they were] imposed;
3. REMOVES the condition[s] [*and IMPOSES the following alternative condition(s) (here specify alternative condition(s) imposed)*].

(Signed)

Clerk of Court

Form 66.4–A

Rule 66.4(1)

Form of application for authorisation to question a person officially accused

UNTO THE HONOURABLE THE LORD JUSTICE GENERAL, THE LORD JUSTICE CLERK
AND LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF OF (*name of sheriffdom*)]

AT (*place*)

APPLICATION

under section 36(1) of the Criminal Justice (Scotland) Act 2016

by

HER MAJESTY'S ADVOCATE [or PROCURATOR FISCAL] [or NAME OF CONSTABLE]
as the case may be

Applicant

for

AUTHORISATION TO QUESTION A PERSON OFFICIALLY ACCUSED

Police National Custody Number.

Prosecution Reference.

Court Reference.

HUMBLY SHEWETH, that:

1. On (*here insert date*) (*here insert name and date of birth of person officially accused of committing offence*) was officially accused of committing (*here insert details of offence*).
2. The Applicant seeks authorisation to question (*here insert name of person officially accused*) about the offence on the following grounds: (*here insert basis of application*).
- [3. Another application has been made for authorisation to question (*here insert name of person officially accused*) about the offence or an offence arising from the same circumstances as the offence.]
4. *Here insert factors relevant to section 35(3)(b) of the Criminal Justice (Scotland) Act 2016.*
5. *Here insert factors relevant to section 35(3)(c) of the Criminal Justice (Scotland) Act 2016.*

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

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- [(1) (where a warrant has been granted to arrest the person in respect of the offence or the person has appeared before a court in relation to the offence) to give (here insert name of person officially accused) an opportunity to make representations;]
- (2) to appoint the Applicant to be heard in private hereon;
- (3) to grant authorisation to question (here insert name of person officially accused.) for such period and on such condition[s] as to your Lordship[s] seem [or seems] fit;
- [(4) to grant a warrant in terms of section 37 of the Criminal Justice (Scotland) Act 2016 for the arrest of (here insert name of person officially accused.)]

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

or

Solicitor for Applicant

or

Procurator fiscal

Form 66.4–B

Rule 66.4(4)

Form of authorisation to question a person officially accused

AUTHORISATION TO QUESTION A PERSON OFFICIALLY ACCUSED

under section 35 of the Criminal Justice (Scotland) Act 2016

Court Reference.

Police National Custody Number.

Court:

Date:

Applicant:

Person officially accused:

Date of birth:

THE COURT:

1. Having considered the application to question (*here insert name of person officially accused*) about (*here insert offence(s)*);
- [2. (*Where the application is made orally*) And having had regard to (*here insert factors relevant to section 35(3) of the Criminal Justice (Scotland) Act 2016 relied upon by the Applicant*);]
3. Being satisfied that allowing the person to be questioned is necessary in the interests of justice;
4. Grants authorisation for a period of (*here insert duration of period for which questioning is authorised*) to question (*here insert name of person officially accused*) about (*here insert offence(s)*) [subject to the following condition[s] (*here insert condition(s), if any, specified by the court*)];
- [5. Being satisfied that it is expedient to do so, grants warrant to arrest (*here insert name of person officially accused*) with a maximum period of detention under said warrant of (*here insert maximum period of detention*).]

(Signed)

Judge or Sheriff

or

Clerk of Court