

SCHEDULE

Paragraph 2(3)

Form 67.2

Rule 67.2(1)

Form of application for a European investigation order

UNTO THE RIGHT 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

by

HER MAJESTY'S ADVOCATE [or PROCURATOR FISCAL] [or A.B.]

APPLICANT

for

a EUROPEAN INVESTIGATION ORDER

under regulation 6 of the Criminal Justice (European Investigation Order) Regulations 2017

HUMBLY SHEWETH, that

1. An offence has been committed [or There are reasonable grounds for suspecting that an offence has been committed], namely (*here state details of offence*).
2. Proceedings in respect of the said offence have been instituted [or The said offence is being investigated].
3. The terms of the order sought are set out in the attached schedule.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) To dispense with intimation to any other party for the following reasons (*here state reasons*) and to proceed to consider the application;

[OR

- (1) To appoint intimation of this application and the attached schedule [or To appoint intimation of this application only for the following reasons (*here state reasons*)]

to be made to

the legal representative of the suspect (*here insert name of suspect*) [or the legal representative of the accused (*here insert name of accused*)] [or the Lord Advocate] [or the prosecutor]

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and to appoint parties to be heard thereon on the earliest practicable date thereafter;]

- (2) On being duly satisfied that it appears:
 - (i) that it is necessary and proportionate to make the order for the purposes of the investigation or proceedings in question;
 - (ii) that the investigative measure to be specified in the order could lawfully have been ordered or undertaken under the same conditions in a similar domestic case;
 - [(iii) (where the order is for an investigative measure in relation to which specific provision is made in Chapter 2 of Part 2 of the Criminal Justice (European Investigation Order) Regulations 2017) the conditions imposed by (here insert relevant provision of Chapter 2) are satisfied;]
- (3) To make a European investigation order as set out in the attached schedule or to do otherwise as to your Lordship[s] seems fit.

ACCORDING TO JUSTICE, etc.

Applicant

or

Solicitor for Applicant

or

Procurator Fiscal

[A. On (here insert date)

In the presence of (here insert name of sheriff)

Sheriff of (here insert sheriffdom) APPEARED

(here insert name of deponent) who having been examined on oath depones that what is contained in the foregoing application is true.

Deponent

Sheriff

(delete foregoing PARAGRAPH A if no oath required)

B. At (here insert place) on (here insert date) having considered the foregoing application and schedule [and relative oath] makes a European investigation order as craved.

Signed

Sheriff

(court name, address, email and telephone number)

Form 67.3

Rule 67.3(1)

Form of application for variation or revocation of European investigation order

UNTO THE RIGHT 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

by

HER MAJESTY'S ADVOCATE [or PROCURATOR FISCAL] [or A.B.]

APPLICANT

for

VARIATION [or REVOCATION] OF A EUROPEAN INVESTIGATION ORDER

under regulation 10 of the Criminal Justice (European Investigation Order) Regulations 2017

HUMBLY SHEWETH, that:

1. There is annexed to this petition a copy of the European investigation order which was made by the sheriff at (*here insert place*) [or by the High Court sitting at (*here insert place*)] on (*here insert date*).
2. The applicant seeks to vary [or revoke] the European investigation order for the following reasons:- (*here state reasons*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) To dispense with intimation to any other party for the following reasons (*here state reasons*);
- (2) To proceed to consider the application; and

[OR

- (1) To appoint intimation of this application to be made to any person affected by the order [and/or the person who applied for the order] [or the Lord Advocate] [or the prosecutor];
- (2) To appoint parties to be heard thereon on the earliest practicable date thereafter; and]

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- (3) Thereafter to make an order varying [*or* revoking] the European investigation order [*by (here state the terms of the variation sought)*] or to do otherwise as to your Lordship[s] seems fit.

ACCORDING TO JUSTICE, etc.

Applicant

or

Solicitor for Applicant

or

Procurator Fiscal

Form 67.4-A

Rule 67.4(1)

Form of warrant to cite a person to proceedings before a nominated court

WARRANT FOR CITATION

Whereas the High Court of Justiciary [*or* Sheriff Court at (*here insert place*)] has been nominated by the Lord Advocate to receive evidence under regulation 35(2) (nominating a court to receive evidence from a person) of the Criminal Justice (European Investigation Order) Regulations 2017 [*or* under regulation 36 (hearing a person through a videoconference or other audio visual transmission) of the Criminal Justice (European Investigation Order) Regulations 2017] [*or* regulation 37 (hearing a person by telephone conference) of the Criminal Justice European Investigation Order) Regulations 2017], the court grants warrant for the citation of witnesses to proceedings to take place at (*here insert time*) on (*here insert date*) at (*here insert place*).

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Form 67.4-B

Rule 67.4(2)

Form of postal citation to proceedings before a nominated court

IN THE HIGH COURT OF JUSTICIARY

[or IN THE SHERIFF COURT]

AT (*place*)

CITATION

To: (*here insert name and address*)

Date of citation: (*day after date of posting*)

YOU ARE HEREBY CITED to appear on (*here insert date*) at (*here insert time*) in the High Court of Justiciary [or Sheriff Court] at (*here insert address*) to give evidence in connection with proceedings against (*here insert name of accused*) before (*here insert name of court in issuing state*) [or in connection with an investigation by (*here insert name of issuing authority*)].

You will be required to give your evidence by videoconference or other audio visual transmission to (*here insert name of issuing authority*) [or you will be required to give your evidence by telephone conference to (*here insert name of issuing authority*)].

Please return the enclosed form to the Procurator Fiscal [or solicitor for accused] in the pre-paid envelope provided within 14 days after the date of citation stated at the top of this citation.

IF YOU FAIL TO ATTEND WITHOUT A LAWFUL EXCUSE THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

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Form 67.4-C

Rule 67.4(2)

Form of reply slip to be completed and returned by person cited to appear before a nominated court

To: Procurator Fiscal [*or* solicitor for accused]

(*address to be inserted by person effecting citation*)

From: (*name to be inserted by person effecting citation*)

Date: (*here insert date*)

I, (*name and address of person cited to be inserted by person effecting citation*), acknowledge that I have received the citation to appear to give evidence on (*date to be inserted by person effecting citation*) at (*time to be inserted by person effecting citation*) in the High Court of Justiciary [*or* Sheriff Court] at (*address to be inserted by person effecting citation*).

I shall attend on that date.

OR

I am unable to attend on that date for the following reason[s] [*here insert reason(s)*].

YOU MUST HAVE A LAWFUL EXCUSE FOR NOT ATTENDING. IF YOU FAIL TO ATTEND WITHOUT A LAWFUL EXCUSE THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

(*signed*)

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Form 67.4-D

Rule 67.4(3)

Form of personal citation to proceedings before a nominated court

IN THE HIGH COURT OF JUSTICIARY

[or IN THE SHERIFF COURT]

AT (*place*)

CITATION

To: (*here insert name and address*)

Date of citation: (*here insert date of citation*)

YOU ARE HEREBY CITED to appear on (*here insert date*) at (*here insert time*) in the High Court of Justiciary [or Sheriff Court] at (*here insert address*) to give evidence in connection with proceedings against (*here insert name of accused*) before (*here insert name of court in issuing state*) [or in connection with an investigation by (*here insert name of issuing authority*)].

You will be required to give your evidence by videoconference or other audio visual transmission to (*here insert name of issuing authority*) [or you will be required to give your evidence by telephone conference to (*here insert name of issuing authority*)].

IF YOU FAIL TO ATTEND WITHOUT A LAWFUL EXCUSE THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

(*signed*)

Officer of Law

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Form 67.7

Rule 67.7

Form of warrant under regulation 39(1) of the Criminal Justice (European Investigation Order) Regulations 2017

(Place and date) The sheriff at *(here insert place)*, grants a warrant under regulation 39(1) of the Criminal Justice (European Investigation Order) Regulations 2017 in relation to the attached European investigation order dated *(here insert date)* issued by the court of *(here insert details of court and place)*.

By virtue of regulation 39(1) of the Criminal Justice (European Investigation Order) Regulations 2017, this warrant authorises a constable from Police Scotland to—

- (a) enter the premises to which the European investigation order relates and search the premises to the extent reasonably required for the purpose of discovering any evidence to which the order relates; and
- (b) seize and retain any evidence for which that constable is authorised to search.

(signed)

Sheriff

(court name, address, email and telephone number)

Form 67.8

Rule 67.8(1)

Form of application to revoke or vary a search warrant or to authorise the release of evidence seized

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

AT *(place)*

APPLICATION

by

PROCURATOR FISCAL [*or A.B.*]

APPLICANT

for

REVOCATION [*or VARIATION*] OF A SEARCH WARRANT [*or AUTHORISATION FOR THE RELEASE OF EVIDENCE SEIZED*]

made under regulation 41 of the Criminal Justice (European Investigation Order) Regulations 2017

HUMBLY SHEWETH, that:

1. On *(here insert date)* the sheriff of *(here insert name of sheriffdom)* at *(here insert place)* issued a search warrant under regulation 39 of the Criminal Justice (European Investigation Order) Regulations 2017.
2. That [A.B.] is affected by the order in the following way: *(here state how applicant is affected).*
3. The applicant seeks to revoke [*or vary*] the said warrant [*or seeks release of the following evidence seized under regulation 40(1) of the said Regulations (here state evidence referred to)*] on the following grounds: *(here narrate grounds)*.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

- (1) To dispense with intimation to any other party for the following reason[s] *(here state reason[s])*; and
- (2) To proceed to consider the application and, on being duly satisfied, to *(here state the terms of the order sought)* or to do otherwise as to the court shall seem proper.

OR

- (1) To appoint intimation of this application to be made to A.B. [*or the Procurator Fiscal*];
- (2) To appoint parties to be heard thereon on the earliest practicable date thereafter; and

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- (3) Thereafter, on being duly satisfied, to (*here state the terms of the order sought*) or to do otherwise as to the court seems fit.

ACCORDING TO JUSTICE, etc.

Applicant

or

Solicitor for Applicant

or

Procurator Fiscal

Form 67.9

Rule 67.9(1)

Form of application for variation or revocation of customer information order or account monitoring order

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

AT *(place)*

APPLICATION

by

HER MAJESTY'S ADVOCATE [*or* PROCURATOR FISCAL] [*or* A.B.]

APPLICANT

for

VARIATION [*or* REVOCATION] OF A CUSTOMER INFORMATION ORDER

[*or* OF AN ACCOUNT MONITORING ORDER]

made under regulation 48 of the Criminal Justice (European Investigation Order) Regulations 2017

HUMBLY SHEWETH, that:

1. There is annexed to this petition a copy of the customer information order [*or* account monitoring order] which was made by the sheriff at *(here insert place)* on *(here insert date)*.
2. The petitioner seeks to vary [*or* revoke] the customer information order [*or* account monitoring order] for the following reasons:- *(here state reasons)*.

MAY IT THEREFORE PLEASE YOUR LORDSHIP:

- (1) To dispense with intimation to any other party for the following reason[s] *(here state reason[s])*; and
- (2) To proceed to consider the application and, on being duly satisfied, to make an order varying [*or* revoking] the customer information order [*or* account monitoring order] [*by* *(here state the terms of the variation sought)*] or to do otherwise as to the court seems fit.

OR

- (1) To appoint intimation of this application to be made to A.B. [*or* the Lord Advocate];
- (2) To appoint parties to be heard thereon on the earliest practicable date thereafter; and

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- (3) Thereafter, on being duly satisfied, to make an order varying [or revoking] the customer information order [or account monitoring order] [by (here state the terms of the variation sought)] or to do otherwise as to the court seems fit.

ACCORDING TO JUSTICE, etc.

(signed)

Applicant

or

Solicitor for Applicant

or

Procurator Fiscal