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STATUTORY INSTRUMENTS

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**1997 No. 1788 (S.134)**

**HIGH COURT OF JUSTICIARY, SCOTLAND  
SHERIFF COURT, SCOTLAND  
SUMMARY JURISDICTION, SCOTLAND**

**Act of Adjournal (Criminal Procedure  
Rules Amendment No. 3) 1997**

*Made* - - - - *21st July 1997*

*Coming into force* - - *11th August 1997*

The Lord Justice General, Lord Justice-Clerk and 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 and commencement**

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No.3) 1997 and shall come into force on 11th August 1997.

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

**Amendment of Criminal Procedure Rules 1996**

2.—(1) Schedule 2 (criminal procedure rules) to the Act of Adjournal (Criminal Procedure Rules) 1996<sup>(2)</sup> shall be amended in accordance with this Act of Adjournal.

(2) In each of rules 15.13 (suspension of disqualification etc. under section 121 of the Criminal Procedure (Scotland) Act 1995) and 19.17 (such suspension under section 193 of that Act), in subparagraph (b), for the word “two” substitute “seven”.

(3) In rule 27.4(4) (service of notice)<sup>(3)</sup> for the words “of trial” substitute “before the trial diet”.

(4) In the Appendix—

(a) in Form 2.6-B (form of execution of service of complaint on accused), after the words “(state method of service).” insert “[I also delivered to him with the copy of the complaint a notice specifying his previous conviction[s].]”; and

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(1) 1995 c. 46.

(2) S.I.1996/513.

(3) Rule 27.4 was inserted by S.I. 1997/63, paragraph 2(3).

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**Status:** This is the original version (as it was originally made).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

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- (b) in Form 26.1-C (form of certificate that statement not contained in business document), for the words from “(*specify*”, where it first occurs, to “(*apply*)” substitute “specified in paragraph 2(1)(a) and (b) of Schedule 8 to the Criminal Procedure (Scotland) Act 1995”.

**Saving**

3. Sub-paragraph (2) of paragraph 2 of this Act of Adjournal does not affect the application of rules 15.13 and 19.17 in a case in which the date of such intimation as is mentioned in sub-paragraph (b) of the rule in question was a date before 11th August 1997; and sub-paragraph (4) (a) of that paragraph does not affect the application of rule 2.6(2) in a case in which service of the complaint is executed before 11th August 1997.

Edinburgh,  
21st July 1997

*Rodger of Earlsferry*  
Lord Justice General, I.P.D.

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## EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules in order to extend from two days to seven days the period before which a disqualification, forfeiture or disability attached as a result of a conviction but suspended, under section 121 or 193 of the Criminal Procedure (Scotland) Act 1995 (c. 46) pending the determination of any appeal will re-attach following refusal, by a quorum of judges, of leave to appeal; to make minor drafting amendments; and to provide for the form of execution of service of the complaint in a summary prosecution, where the accused has been previously convicted of an offence and the prosecutor has decided to lay a previous conviction before the court, to record whether a notice specifying the conviction has been served on him with the complaint (as is required by section 166(2) of that Act).