

ACT OF ADJOURNAL (CRIMINAL PROCEDURE RULES) 1996 SI 1996/513

SCHEDULE 2

CRIMINAL PROCEDURE RULES 1996

PART III Solemn proceedings

CHAPTER 8 THE INDICTMENT

Appeals in relation to extension of time for trial

8.1 (1) A note of appeal under section 65(8) of the Act of 1995 (appeal to High Court against grant or refusal of extension of time) in respect of an appeal from a decision under section 65(3) of that Act (extension of periods for commencement of preliminary hearing or trial diet) shall be in Form 8.1-A.

(2) A note of appeal under section 65(8) of the Act of 1995 in respect of an appeal from a decision under section 65(5) of that Act (extension of 80, 110 or 140 days period of committal) shall be in Form 8.1-B.

(3) A note of appeal mentioned in paragraph (1) or (2) shall be served by the appellant on—

- (a) the respondent;
- (b) any co-accused; and
- (c) the clerk of the court against the decision of which the appeal is taken.

(4) The appellant shall lodge with the Clerk of Justiciary—

- (a) the note of appeal; and
- (b) the execution of service in respect of the persons mentioned in paragraph (3).

(5) The clerk of the court against the decision of which the appeal is taken shall, as soon as practicable after being served with the note of appeal, transmit to the Clerk of Justiciary the original application and all the relative documents; and the Clerk of Justiciary shall, on receiving them, assign the appeal to the roll and intimate the date of the diet to the appellant and the respondent.

Citation of accused and witnesses

8.2 (1) Subject to paragraph (5), the notice to be affixed to the door of the relevant premises for the purposes of section 66(4)(b) of the Act of 1995 shall be in Form 8.2-A.

(2) Subject to paragraph (5), the notice for the purposes of section 66(6) of the Act of 1995 to be served on a person accused on indictment shall be in Form 8.2-B or, where the charge is of committing a sexual offence to which section 288C of that Act applies, or, where it is known by the prosecutor that the offence is one to

which section 288E of that Act (prohibition of personal conduct of defence where a child witness is under the age of 12) applies, Form 8.2-C.

(3) The form of postal citation of a witness under section 66(1) of the Act of 1995 shall be in Form 8.2-D; and the witness shall return Form 8.2-E to the procurator fiscal, or the accused person or his solicitor, as the case may be, in the pre-paid envelope provided within 14 days after the date of citation.

(4) The form of personal citation of a witness under section 66(1) of the Act of 1995 shall be in Form 8.2-F.

(5) Where the accused is an organisation,

(a) the notice to be affixed to the door of the relevant premises for the purposes of section 66(4)(b) of the Act of 1995 shall be in Form 8.2-G;

(b) the notice for the purposes of section 66(6) of the Act of 1995 shall be in Form 8.2-H.

Notice of previous convictions

8.3 Any notice to be served on an accused under section 69(2) of the Act of 1995 (notice of previous convictions) shall be in Form 8.3.