

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

SCHEDULE 2

CRIMINAL PROCEDURE RULES 1996

PART IV Summary proceedings

CHAPTER 17 SUMMARY PRE-TRIAL PROCEDURE

Applications for extension of period of detention

17.A1 An application made in writing for extension of time under section 147 of the Act of 1995 (prevention of delay in trials) shall be in Form 17.A1 and shall be intimated to the other parties by the applicant.

Appeals against extension of period of detention

17.1 (1) A note of appeal presented to the High Court under section 147(3) of the Act of 1995 (appeal against grant or refusal of extension of 40 days detention) shall be made in Form 17.1.

(2) Such a note of appeal shall be served by the appellant on—

(a) the respondent; and

(b) the clerk of the court against the decision of which the appeal is taken.

(3) The appellant in such a note of appeal shall lodge with the Clerk of Justiciary—

(a) the note of appeal; and

(b) the certificate of execution of service in respect of the persons mentioned in paragraph (2).

(4) 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 receipt of those documents, assign the appeal to the roll and intimate the date of the diet to the appellant and the respondent.

(5) The Clerk of Justiciary shall intimate the result of the appeal to the court against the decision of which the appeal was taken and to the governor of the institution in which the appellant is detained.

Notice of defences

17.2 (1) Notification to the prosecutor of a defence under section 149B of the Act of 1995 (notice of defences) shall be in Form 17.2.

(2) At the same time as giving notification under paragraph (1) the accused shall serve a copy of the notification on any co-accused