

FORM 40.2 Form of minute of notice of intention to raise a compatibility issue or devolution issue

Rule 40.2(2)

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

[UNTO THE HONOURABLE THE SHERIFF OF (name of
sheriffdom)
AT (place)]

MINUTE

by

[A.B.] (address)

[or Prisoner in the Prison of (place)]

HUMBLY SHEWETH:

1. [Name of accused] has been indicted at the instance of Her Majesty's Advocate with a preliminary hearing in the High Court of Justiciary sitting at (*place*) on (*date*).
2. [P.C.] intends to raise a compatibility issue within the meaning of section 288ZA(2) of the Act of 1995 [*or a devolution issue within the meaning of Schedule 6 to the Scotland Act 1998*] on the following grounds (here specify the facts and circumstances and contentions of law which are alleged to give rise to the compatibility issue [*or devolution issue*]).
3. A copy of this minute has been duly intimated to Her Majesty's Advocate [and to (*name(s) of co-accused*)] [and, in relation to a devolution issue, to the Advocate General for Scotland] conform to execution[s] attached to this minute.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

to determine the compatibility issue [*or devolution issue*] at the preliminary hearing;

IN RESPECT WHEREOF

[Solicitor for minuter]

(Address and telephone number of solicitor)

(Place and date)

FORM 40.3 Form of minute of notice of intention to raise a compatibility issue or devolution issue

Rule 40.3(2) UNTO THE HONOURABLE THE SHERIFF OF *(name of sheriffdom)*
 AT *(place)*
 [or UNTO THE JUSTICES in the JUSTICE OF THE PEACE COURT
 OF *(name of district)*
 AT *(place)*]

MINUTE

by

[C.S.] *(address)*

[or Prisoner in the Prison of *(place)*]

HUMBLY SHEWETH, that:

1. [*Name of accused*] has been charged at the instance of [P.F.] procurator fiscal at *(place)* with the crime [*or offence*] of *(specify)* and an intermediate diet [*or trial diet*] is fixed for *(specify date)*.

2. [C.S.] intends to raise a compatibility issue within the meaning of section 288ZA(2) of the Act of 1995 [*or a devolution issue within the meaning of Schedule 6 to the Scotland Act 1998*] on the following grounds (here specify the facts and circumstances and contentions of law which are alleged to give rise to the compatibility issue [*or devolution issue*]).

3. A copy of this minute has been duly intimated to said [P.F.], procurator fiscal [*and to (name(s) of co-accused)*] [*and, in relation to a devolution issue, to the Advocate General for Scotland*] conform to execution[s] attached to this minute.

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S]:

to determine the compatibility issue [*or devolution issue*] at the intermediate diet [*or before the trial diet has commenced*].

IN RESPECT WHEREOF

[Solicitor for minuter]

(Address and telephone number of solicitor)

(Place and date)

FORM 40.9 Form of application under section 288AA(5) of the Criminal Procedure (Scotland) Act 1995 or paragraph 13 of Schedule 6 to the Scotland Act 1998

Rule 40.9(1)

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

**APPLICATION FOR PERMISSION TO APPEAL TO THE
SUPREME COURT**

under section 288AA(5) of the Criminal Procedure (Scotland) Act
1995 [or paragraph 13 of
Schedule 6 to the Scotland Act 1998]

By

(specify)

(address)

APPLICANT

HUMBLY SHEWETH, that:

1. On *(date)* the High Court (that is a court that consisted of two or more judges of that court) determined a compatibility issue [or devolution issue].

2. The applicant seeks the permission of the court to appeal the determination to the Supreme Court on the following grounds:-

(here, specify —

(i) the grounds of appeal;

(ii) a summary of the reasons why permission to appeal should be granted; including whether any of the grounds of appeal raise an issue of general public importance;

(iii) where the application is late, the reasons for allowing the application late.)

ACCORDING TO JUSTICE, etc.

(Signed)

Applicant *(or agent for the applicant)*