SCOTTISH STATUTORY INSTRUMENTS

2005 No. 160

SHERIFF COURT
DISTRICT COURTS

Act of Adjournal (Criminal Procedure Rules Amendment No. 2) (Miscellaneous) 2005

Made - - - -	*18th March 2005*
Coming into force - -	*31st March 2005*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 305 of the Criminal Procedure (Scotland) Act 1995(**1**), 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. 2) (Miscellaneous) 2005 and shall come into force on 31st March 2005.

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

Amendment of the Act of Adjournal (Criminal Procedure Rules) 1996

2.—(1) The Act of Adjournal (Criminal Procedure Rules) 1996(**2**) shall be amended in accordance with the following sub-paragraphs.

(2) In rule 2.6 (forms of execution of service)(**3**)—

(a) at the end of paragraph (5)(e) "and" shall be omitted; and

(b) after paragraph (5)(f) there shall be inserted the following:–

"; and

(g) rule 20.12C(2) or (3) (community reparation orders: forms of citation of offender) shall be in Form 2.6–EG".

(3) After rule 16.4 (further procedural forms) there shall be inserted the following:–

(**1**) 1995 c. 46.
(**2**) S.I. 1996/513, last amended by S.S.I. 2005/44.
(**3**) Rule 2.6 was amended by S.S.I. 2003/468 and S.S.I. 2005/44.

"**Incidental applications out of hours**

16.4A.—(1) Where the prosecutor makes an incidental application in Form 16.4–A when the office of the prosecutor is closed, the application shall not require to be signed by the prosecutor but shall state the name of the prosecutor.

(2) The oath of a police officer shall be sufficient to authenticate the application as being an application by the prosecutor named on the application.".

(4) After rule 20.12B (drug treatment and testing orders)(**4**) there shall be inserted the following:–

"**Community reparation orders**

20.12C.—(1) A community reparation order under section 245K(1)(**5**) of the Act of 1995 shall be in Form 20.12C–A.

(2) The citation of an offender to appear before a court under section 245N(2) of the Act of 1995 (failure to comply with a community reparation order) shall be in Form 20.12C–B.

(3) The citation of an offender to appear before a court under section 245P(3) of the Act of 1995 (extension, variation and revocation of a community reparation order) shall be in Form 20.12C–C.".

(5) In rule 20.17 (use of certified copy documents in certain proceedings)—

(a) at the end of paragraph (1)(c) "or" shall be omitted; and

(b) at the end of paragraph (1)(d) there shall be inserted the following:–

"or

(e) a community reparation order,".

(6) In the appendix—

(a) after Form 2.6–EF there shall be inserted the form set out in Part 1 of the Schedule to this Act of Adjournal;

(b) after Form 20.12B–C there shall be inserted the forms set out in Part 2 of the Schedule to this Act of Adjournal.

Edinburgh
18th March 2005

Cullen of Whitekirk
Lord Justice General I.P.D.

(**4**) Rule 20.12B was inserted by S.S.I. 1999/191 and amended by S.S.I. 2003/468.
(**5**) Sections 245K to 245P were inserted by section 120 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)

SCHEDULE Paragraph 2(6)

PART 1

FORM 2.6–EG**Form of execution of citation under section 245N(2) or 245P(3) of the Criminal Procedure (Scotland) Act 1995**

Rule 2.6(5)

EXECUTION OF CITATION

I, (*name and designation*), on (*date*) lawfully cited (*name and address of offender*) to appear before the Sheriff [*or* District] Court at (*address*) on (*date*) at (*time*) for the purpose of answering the allegation set out in the written information attached [*or* the application attached].

This I did by posting on (*date*) a citation in Form 20.12C-B [*or* Form 20.12C-C] to the offender at the address shown above, by the recorded delivery service [*or* by (*specify method by which citation effected*)].

(*Signed*)

Clerk of Court

[*or* Officer of Law]

PART 2

FORM 20.12C–A**Form of community reparation order under section 245K(1) of the Criminal Procedure (Scotland) Act 1995**