STATUTORY INSTRUMENTS

1967 No. 1301 (S.109)

FUGITIVE CRIMINAL

The Fugitive Offenders (Forms) (Scotland) Regulations 1967

Made - - - - 24*th August* 1967

Coming into Operation 1*st September* 1967

In exercise of the powers conferred on me by section 13(2) of the Fugitive Offenders Act 1967(**a**) and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1. The forms contained in the Schedule to these regulations or forms to the like effect shall be used for the purposes for which they are applicable.

2. The Interpretation Act 1889(**b**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3.—(1) These regulations may be cited as the Fugitive Offenders (Forms) (Scotland) Regulations 1967 and shall come into operation on 1st September 1967.

(2) These regulations extend only to Scotland.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

24th August 1967.

(**a**) 1967 c. 68.

(**b**) 1889 c. 63.

SCHEDULE

FORMS

1

AUTHORITY TO PROCEED

(Fugitive Offenders Act 1967 s. 5)

To the Sheriff of the Lothians and Peebles at Edinburgh

A request having been made to the Secretary of State by or on behalf of for the return to that country of A.B. who is accused [*or* alleged to be unlawfully at large after conviction] of the offence[s] of :

It is hereby ordered that the Sheriff or a Sheriff-substitute of the Lothians and Peebles at Edinburgh deal with the case in accordance with the provisions of the Fugitive Offenders Act 1967.

Dated the day of , 19

Secretary of State
[Under-Secretary of State]

2

WARRANT OF ARREST

(Fugitive Offenders Act 1967 s.6(1)(a))

Sheriffdom of the Lothians and Peebles at Edinburgh

To each and all of the constables of

I having received from the Secretary of State an order to deal with the case of A.B. (hereinafter called the accused person) who is accused [*or* who is alleged to be unlawfully at large after conviction] of the offence[s] of against the law of the country of :

And there being evidence that the offence[s] is/are [a] relevant offence[s] (as defined in section 3 of the Fugitive Offenders Act 1967) for the purposes of these proceedings:

And there being in my opinion such evidence as would justify the issue of a warrant for the arrest of a person accused of committing [a] corresponding offence[s] [*or* alleged to be unlawfully at large after conviction of an offence] in the Sheriffdom of the Lothians and Peebles.

You are hereby commanded to arrest the accused person forthwith and to bring him/her before the Sheriff or a Sheriff-substitute of the Lothians and Peebles sitting at Edinburgh.

Dated the day of , 19

X.Y.
Sheriff/Sheriff-substitute of the Lothians and Peebles

3

PROVISIONAL WARRANT OF ARREST

(Fugitive Offenders Act 1967 s.6(1)(b))

To each and all of the constables of

There being evidence that A.B. (hereinafter called the accused person) is accused [*or* is alleged to be unlawfully at large after conviction] of the offence[s] of against the law of the country of , and that the offence[s] is/are [a] relevant offence[s] (as defined in section 3 of the Fugitive Offenders Act 1967) for the purpose of these proceedings:

And there being in my opinion such evidence as would justify the issue of a warrant for the arrest of a person accused of committing [a] corresponding offence[s] [*or* alleged to be unlawfully at large after conviction of an offence] in the County of :

And C.D. [a constable of the police force] having stated on oath that he has reason to believe that the accused person is in [*or* on his/her way to] the United Kingdom:

You are hereby commanded to arrest the accused person and to bring him/her before the Sheriff or a Sheriff-substitute of the Lothians and Peebles sitting at Edinburgh.

Dated the day of , 19

X.Y.
Sheriff or Justice of the Peace for the [County of]

4

WARRANT OF COMMITMENT
(Fugitive Offenders Act 1967 s.7(5))

Sheriffdom of the Lothians and Peebles at Edinburgh

To each and all of the constables of police force and to [the Governor of Her Majesty's prison at]

A.B. (hereinafter called the accused person) having been brought this day before me, the Sheriff [or a Sheriff-substitute] of the Lothians and Peebles sitting at Edinburgh pursuant to a warrant for his/her arrest issued under section 6 of the Fugitive Offenders Act 1967:

And an authority to proceed having been issued by the Secretary of State under section 5 of that Act in respect of the accused person.

And I being satisfied that the following offence[s] [of which the accused person is accused in], namely , being [an] offence[s] to which the authority to proceed relates, is/are [a] relevant offence[s] (as defined in section 3 of that Act) for the purpose of these proceedings, namely, (*here describe the appropriate relevant offences as set out in Schedule* 1 *to the Fugitive Offenders Act* 1967) [and that the evidence given before me or produced to me would be sufficient to warrant the accused person's trial for that/those offence[s] if it/they had been committed in the Sheriffdom of the Lothians and Peebles] [*or* that the accused person has been convicted of the offence[s] and appears to be unlawfully at large]:

You, the said constables, are hereby commanded to convey the accused person to the said [prison] and there deliver him/her to the [Governor] thereof, together with this warrant; and you, the [Governor of the said prison], to receive him/her into your custody and keep him/her until he/she is delivered in accordance with a warrant issued by the Secretary of State under section 9 of that Act or he/she is otherwise delivered in due course of law.

Dated the day of , 19

X.Y.
Sheriff/Sheriff-substitute of the Lothians and Peebles at Edinburgh

5

SECRETARY OF STATE'S WARRANT FOR RETURN TO REQUESTING COUNTRY

(Fugitive Offenders Act 1967 s. 9(1))

To the [Governor of Her Majesty's prison at]
and to each and all of the constables of the police force
[and to officers of the country of]

Whereas a request has been made to the Secretary of State by or on behalf of for the return to that country of A.B. (hereinafter called the prisoner) who is accused [*or* alleged to be unlawfully at large after conviction] of the offence[s] of :

And whereas the Sheriff [or a Sheriff-substitute] of the Lothians and Peebles at Edinburgh being satisfied that the evidence given before him or produced to him would be sufficient to warrant the prisoner's trial for that/those offence[s] [*or* the offence[s] of] if it/they had been committed in the Sheriffdom of the Lothians and Peebles [*or* that the prisoner had been convicted of that/those offence[s] [*or* the offence[s] of] and appeared to be unlawfully at large], committed the prisoner to [Her Majesty's prison at] on the day of , 19 to await his/her return to :

And whereas the prisoner has not been discharged from custody by order of the High Court of Justiciary:

Now, therefore, it is hereby ordered that the prisoner be returned to in respect of the offence[s] for which he/she was committed to custody by the Sheriff [or a Sheriff-substitute] of the Lothians and Peebles.

Dated the day of , 19

Secretary of State
[Under Secretary of State]

EXPLANATORY NOTE

(*This Note is not part of the regulations.*)

These regulations prescribe certain forms to be used for the purposes of the Fugitive Offenders Act 1967.