1965 No. 1947 (S.107)

SUMMARY JURISDICTION, SCOTLAND

Act of Adjournal (Backing of Warrants) (Republic of Ireland) 1965

Made - - -	5th November 1965
Coming into Operation	15th November 1965

At Edinburgh, the fifth day of November Nineteen hundred and sixty-five

Present—

THE RIGHT HONOURABLE THE LORD JUSTICE-GENERAL
THE RIGHT HONOURABLE THE LORD JUSTICE-CLERK
THE HONOURABLE LORD GUTHRIE
THE HONOURABLE LORD MIGDALE
THE HONOURABLE LORD CAMERON

The Lord Justice-General, Lord Justice-Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 76 of the Summary Jurisdiction (Scotland) Act 1954(a) and section 8 of the Backing of Warrants (Republic of Ireland) Act 1965(b), and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Backing of Warrants) (Republic of Ireland) 1965, and shall come into operation on 15th November 1965.

(2) In this Act of Adjournal the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

"the Act" means the Backing of Warrants (Republic of Ireland) Act 1965;

"judicial authority" means a court, judge or justice of a court, or peace commissioner;

"the Republic" means the Republic of Ireland;

"sheriff clerk" includes sheriff clerk depute.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of this Act of Adjournal as it applies to the interpretation of an Act of Parliament.

2.—(1) The endorsement of a warrant for execution within any part of Scotland in terms of section 1 of the Act shall be as nearly as possible in the form exemplified in Form 1 contained in the Schedule hereto.

(2) A provisional warrant issued under section 4 of the Act shall be as nearly as possible in the form exemplified in Form 2 contained in the Schedule hereto.

(a) 2 & 3 Eliz. 2. c. 48 (b) 1965 c. 45. (c) 52 & 53 Vict. c. 63.

(3) Where a person has been remanded in custody in terms of section 2(1) or section 4(3) of the Act, the order of court shall be endorsed by the court on the warrant and delivered to the prison Governor to whose custody the person has been remanded.

(4) When a person who has been ordered to be delivered in accordance with section 2(1) of the Act is remanded on bail, the bail bond shall require him to surrender at a specified police station at a time and date to be notified to him by or on behalf of the officer in charge of that station.

3.—(1) A notice given under section 3(1)(*a*) of the Act (consent to removal earlier than is otherwise permitted) shall be as nearly as possible in the form exemplified in Form 3 contained in the Schedule hereto, and shall be signed in the presence of either a sheriff, a magistrate, a justice of the peace or a sheriff clerk who shall also sign the same.

(2) Any such notice given by a person who has been remanded in custody shall be delivered to the Governor of the prison in which he is detained.

(3) If a person remanded on bail gives such notice, he shall deliver or send it to the clerk of the court which so remanded him.

4.—(1) When a person has been ordered to be delivered in accordance with section 2(1) of the Act, the sheriff clerk when the person is remanded on bail, or the Governor of the prison when the person is detained in custody, shall arrange for the warrant of arrest issued by a judicial authority in the Republic and endorsed in accordance with section 1 of the Act to be given to the member of the police force of the Republic into whose custody the person is delivered when the person is so delivered.

(2) When the person ordered to be delivered in accordance with section 2(1) of the Act is remanded on bail, the sheriff clerk shall send a copy of the bail bond to the police station at which the person is to surrender.

5.—(1) A document purporting to be a warrant issued by a judicial authority in the Republic shall, for the purpose of section 7(*a*) of the Act, be verified by a certificate purporting to be signed by a judicial authority, a clerk of a court or a member of the police force of the Republic and certifying that the document is a warrant and is issued by a court, judge or justice of a court or a peace commissioner.

(2) A document purporting to be a copy of a summons issued by a judicial authority in the Republic shall, for the purposes of the said section 7(*a*), be verified by a certificate purporting to be signed by a judicial authority, a clerk of a court or a member of the police force of the Republic and certifying that the document is a true copy of such a summons.

(3) A deposition purporting to have been made in the Republic, or affidavit or written statement purporting to have been sworn therein, shall, for the purposes of section 7(*c*) of the Act, be verified by a certificate purporting to be signed by the person before whom it was sworn and certifying that it was so sworn.

And the Lords appoint this Act of Adjournal to be recorded in the Books of Adjournal, and to be published in the *Edinburgh Gazette*.

SEAL

J. L. Clyde,
I.P.D.

SCHEDULE

FORM 1

Endorsement of warrant of arrest (*Backing of Warrants* (*R. of I.*) *Act* 1965, *sec.* 1(1).)

I, (*name*), one of Her Majesty's Justices of the Peace in and for the County of (*or as the case may be*), being satisfied that this warrant may be endorsed under section 1 of the Backing of Warrants (Republic of Ireland) Act 1965, hereby authorise (*name*), who brings me this warrant, and all other constables in Scotland to execute the same and to bring him as soon as practicable before a sheriff court.

Given under my hand this day of
Nineteen hundred and .
(Signed)
Justice of the Peace for the county aforesaid.
(*or as the case may be*)

FORM 2

Provisional warrant of arrest (*Backing of Warrants* (*R. of I.*) *Act* 1965, *sec.* 4(1).)

Whereas a constable, (*name*), has stated to me on oath that he has reason to believe that a warrant has been issued by a judicial authority in the Republic of Ireland for the arrest of (*name*) (hereinafter called the accused) who is accused (*or* has been convicted) of an indictable offence against the laws of the Republic but that the warrant is not yet in his possession; and that he has received a request made on grounds of urgency by a member of the police force of the Republic holding the rank of inspector or above for the issue in the United Kingdom of a warrant for the arrest of the accused; and that he has reason to believe that the accused is within the county of ;
[and that he has reason to believe the requirements of section 1(3) of the Backing of Warrants (Republic of Ireland) Act 1965 are satisfied] (*words in square brackets to be omitted when a provisional warrant is issued for the arrest of a person not yet convicted*):

Therefore I, (*name*), one of Her Majesty's Justices of the Peace in and for the County of (*or as the case may be*), hereby grant warrant to and authorise all constables in Scotland to apprehend the accused within five days after issue of this warrant and to bring him as soon as practicable before a sheriff court.

Given under my hand this day of
Nineteen hundred and
(Signed)
Justice of the Peace for the county aforesaid. (*or as the case may be.*)

Note. This warrant is not authority for the making of an arrest more than five days after its issue.

FORM 3

Consent to earlier return (*Backing of Warrants* (*R. of I.*) *Act* 1965 *sec.* 3(1)(*a*).)

Whereas on the day of 19 , the Sheriff of sitting at ordered that I, (*name*), should be delivered into the custody of a member of the police force of the Republic of Ireland;

And whereas I understand that, unless I consent to an earlier removal, I cannot be so delivered until the expiration of the period of fifteen days beginning with the date on which the order was made:

Now, therefore, I give notice that I consent to my removal before the said period of fifteen days has expired.

(*Signed*)

This form was signed by the above-named person in my presence on the day of 19 .

(Signed)
Justice of the Peace for . (*or as the case may be*)

J. L. CLYDE,
I.P.D.

EXPLANATORY NOTE

(*This Note is not part of the Act of Adjournal.*)

This Act of Adjournal prescribes forms and procedure in proceedings under the Backing of Warrants (Republic of Ireland) Act 1965.