

2010 No. 386

HIGH COURT OF JUSTICIARY

**Act of Adjournal (Criminal Procedure Rules Amendment No. 3)
(Scottish Criminal Cases Review Commission) 2010**

Made - - - - 4 November 2010

Coming into force - - 5 November 2010

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(a), and of all other powers enabling them in that behalf do hereby enact and declare:

Citation, commencement etc.

- 1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 3) (Scottish Criminal Cases Review Commission) 2010.
- (2) It shall come into force on 5 November 2010.
- (3) A certified copy of this Act of Adjournal is to be inserted in the Books of Adjournal.

Scottish Criminal Cases Review Commission

- 2.—(1) The Criminal Procedure Rules 1996(b) are amended as follows.
- (2) In rule 15.15 (amended grounds of appeal)(c), at the end, insert—
- “(5) This rule does not apply to appeals on reference to the High Court under section 194B of the Act of 1995.”.
- (3) In rule 19B.1 (references in solemn proceedings)(d)—
- (a) in paragraph (2) for “date of referral” insert “relevant date”;
- (b) after paragraph (2) insert—
- “(2A) In paragraph (2) “the relevant date” is—
- (a) the date of the referral; or
- (b) where an application was made under section 194D(4B)(e) of the Act of 1995, the date on which that application was determined.”.

(a) 1995 c.46.

(b) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2010/309).

(c) Rule 15.15 was inserted by S.S.I. 2002/387.

(d) Chapter 19B was inserted by S.S.I. 2003/468.

(e) Section 194D(4B) was inserted by section 83 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(4) Notwithstanding paragraph (2), paragraphs (2) to (4) of rule 15.15 continue to apply to an appeal on reference to the High Court under section 194B of the Criminal Procedure (Scotland) Act 1995 in which leave to amend the grounds of appeal was granted under paragraph (1) of that rule before the coming into force of this Act of Adjournal.

(5) Where an application under section 194D(4B) of the Criminal Procedure (Scotland) Act 1995 is granted in an appeal commenced before the coming into force of this Act of Adjournal, the High Court shall make such order or orders for the amendment of the document upon which the appeal proceeds as it considers fit.

A.C. HAMILTON
Lord Justice General
I.P.D.

Edinburgh
4 November 2010

EXPLANATORY NOTE

(This note is not part of the Act of Adjournal)

This Act of Adjournal amends the Criminal Procedure Rules 1996.

It amends the rules dealing with references by the Scottish Criminal Cases Review Commission in consequence of amendments of the relevant statutory provisions effected by section 83 of the Criminal Justice and Licensing (Scotland) Act 2010. That section was brought into force by the Scottish Ministers on 5 November 2010 by a commencement order made the previous day.

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