

**2012 No. 272**

**HIGH COURT OF JUSTICIARY**

**SHERIFF COURT**

**Act of Adjournal (Amendment of the Criminal Procedure  
(Scotland) Act 1995) (Transcripts) 2012**

*Made* - - - - - *9th October 2012*

*Laid before the Scottish Parliament* *11th October 2012*

*Coming into force* - - - *12th November 2012*

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 (Amendment of the Criminal Procedure (Scotland) Act 1995) (Transcripts) 2012.

(2) It comes into force on 12th November 2012.

(3) A certified copy of this Act of Adjournal is to be inserted in the Books of Adjournal.

**Amendment of the Criminal Procedure (Scotland) Act 1995: transcripts**

**2.**—(1) Section 94 of the Criminal Procedure (Scotland) Act 1995 (transcripts of record and documentary productions) is amended in accordance with the following subparagraphs.

(2) In subsection (2A)(b)—

(a) for paragraph (b) substitute—

“(b) either of the conditions in subsection (2AZA) is met or it is otherwise in the interests of justice to do so,”

(b) for “so orders,” substitute “may order, and in that event”.

(3) After that subsection insert—

“(2AZA) The conditions mentioned in subsection (2A)(b) are that—

(a) a ground of appeal, for which leave to appeal has been granted, reveals a significant dispute between that ground and the report of the trial judge on the

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(a) 1995 c.46.

(b) Section 94(2A) was inserted by section 65 of the Criminal Justice (Scotland) Act 2003 (asp 7).

nature and extent of the evidence, speech or other part of the record to which the application relates; or

- (b) the trial judge's report does not, in relation to a ground of appeal for which leave to appeal has been granted, provide a sufficient narrative of the nature and extent of the evidence, speech or other part of the record to which the application relates.”.

(4) In subsection (2C)(a), after paragraph (a) insert—

- “(aa) set out, for each ground of appeal to which the application relates, the particular evidence, speech or other part of the record required; and”.

### **Transitional provisions**

3. Paragraph 2 of this Act of Adjournment shall apply only to appeals in which leave to appeal in terms of section 107 of the Criminal Procedure (Scotland) Act 1995 was granted after the date on which this Act of Adjournment comes into force.

*BRIAN GILL*  
Lord Justice General  
I.P.D.

Edinburgh  
9th October 2012

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(a) Section 94(2C) was inserted by section 65 of the Criminal Justice (Scotland) Act 2003 (asp 7).

## **EXPLANATORY NOTE**

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

This Act of Adjournal amends the Criminal Procedure (Scotland) Act 1995.

Paragraph 2 amends section 94 of the 1995 Act and in so doing the circumstances in which the transcription of evidence and speeches can be ordered.

Paragraph 3 makes transitional provision providing that paragraph 2 shall only apply to appeals in which leave to appeal was granted after the date on which this Act of Adjournal comes into force (i.e. 12th November 2012).

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SCOTTISH STATUTORY INSTRUMENTS

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