

## SCHEDULE CONSEQUENTIAL AMENDMENTS

### *Criminal Procedure (Scotland) Act 1995*

- 11 In section 113 (judge’s report)—
- (a) in subsection (1), at the beginning, insert “Subject to subsections (1A) to (1D),”;
  - (b) after subsection (1) insert—
    - “(1A) Subsections (1B) to (1D) apply where the copy note of appeal mentioned in subsection (1) relates to an appeal by virtue of section 11(7) of the Double Jeopardy (Scotland) Act 2011 (asp 16).
    - (1B) The reference in subsection (1) to the judge who presided at the trial is to be construed as a reference to—
      - (a) the judge who presided at the trial for an offence mentioned in section 11(2) of that Act resulting in the appellant’s acquittal; and
      - (b) where subsection (1C) applies, the judge who presided at the trial resulting in the conviction to which the copy note of appeal relates.
    - (1C) This subsection applies—
      - (a) where, in connection with the appeal, the High Court calls for the report to be furnished by the judge mentioned in subsection (1B)(b); and
      - (b) it is reasonably practicable for the judge to furnish the report.
    - (1D) For the purposes of subsections (1) to (1C), it is irrelevant whether or not the judge mentioned in subsection (1B)(b) had previously furnished a report under subsection (1).”
  - (c) in subsection (3), for “subsection (1)” substitute “subsections (1) to (1D)”.