
STATUTORY INSTRUMENTS

1996 No. 2147 (S.171)

**HIGH COURT OF JUSTICIARY
SHERIFF COURT, SCOTLAND
SUMMARY JURISDICTION, SCOTLAND**

**Act of Adjournal (Criminal Procedure
Rules Amendment) (Miscellaneous) 1996**

Made - - - - *13th August 1996*

Coming into force - - *9th September 1996*

The Lord Justice General, Lord Justice-Clerk and Lords Commissioners of Justiciary under and by virtue of the powers conferred on them by section 18(7) of the Proceeds of Crime (Scotland) Act 1995⁽¹⁾, sections 140(2) and 305 of the Criminal Procedure (Scotland) Act 1995⁽²⁾, and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment) (Miscellaneous) 1996 and shall come into force on 9th September 1996.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Amendment of the Criminal Procedure Rules 1996

2.—(1) The Criminal Procedure Rules 1996⁽³⁾ shall be amended in accordance with the following sub-paragraphs.

(2) In rule 11.2 (notices by accused of witnesses and productions), after the word “co-accused”, insert the words “or his solicitor”.

(3) In Chapter 15 (appeals from solemn proceedings), after rule 15.13 (suspension of disqualification etc. under section 121 of the Act of 1995), insert the following rule:-

(1) 1995 c. 43.
(2) 1995 c. 46.
(3) S.I.1996/513.

“Remits in applications for leave to appeal

15.14. The judge of the High Court considering an application for leave to appeal under section 107 of the Act of 1995 may, before deciding to grant or refuse leave, remit the case to the judge who presided at the trial for a supplementary report to be produced to him as soon as is reasonably practicable on any matter with respect to the grounds of appeal.”.

(4) In rule 16.6 (citation of witnesses), after paragraph (2), insert the following paragraph:-

“(3) In the case of a postal citation in Form 16.6-A by the prosecutor under section 141 of the Act of 1995, the citation may be signed by the prosecutor by use of an official stamp of his signature or by mechanical or electronic means.”.

(5) In Chapter 19 (appeals from summary proceedings), after rule 19.17 (suspension of disqualification etc. under section 193 of the Act of 1995), insert the following rule:-

“Remits in applications for leave to appeal

19.18. The judge of the High Court considering an application for leave to appeal under section 180 (leave to appeal against conviction etc.), or section 187 (leave to appeal against sentence), of the Act of 1995 may, before deciding to grant or refuse leave, remit the case to the judge at first instance for a report or a supplementary report to be produced to him as soon as is reasonably practicable on any matter with respect to the grounds of appeal.”.

(6) In rule 31.7(1) (appeals against references), omit the words “under rule 31.4 (proceedings on appeal etc.)”.

(7) In rule 37.1(1) (orders to make material available), for the words “of drug trafficking”, substitute the words “into whether a person has benefited from commission of an offence”.

(8) In rule 37.2(1) (discharge and variation of orders), for the words “drug trafficking”, substitute the words “whether a person has benefited from commission of an offence”.

(9) In the appendix, in Form 26.1-B, after the words “[or are]”, insert the words “[or was] [or were]”.

Edinburgh
13th August 1996

Hope of Craighead
Lord Justice General I.P.D.

EXPLANATORY NOTE

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

This Act of Adjournal amends the Criminal Procedure Rules 1996 in order to:-

- (a) provide for a notice by an accused on a co-accused of lists of witnesses or productions to be served on the co-accused's solicitor (paragraph 2(2));
- (b) provide in applications for leave to appeal for the judge of the High Court considering the application to remit to the judge at first instance for a report with respect to the grounds of appeal (paragraph 2(3) and (5));
- (c) provide for a signature by mechanical or electronic means, or an official stamp of the signature, of the prosecutor of postal citations of accused persons and witnesses served in summary proceedings under section 141 of the Criminal Procedure (Scotland) Act 1995 (paragraph 2(4)); and
- (d) correct certain minor errors (paragraph 2(6) to (9)).