

2009 No. 108

HIGH COURT OF JUSTICIARY

SHERIFF COURT

JUSTICE OF THE PEACE COURT

**Act of Adjournal (Amendment of the Criminal Procedure
(Scotland) Act 1995) (Appeals by Stated Case) 2009**

Made - - - -

11th March 2009

Coming into force - -

8th April 2009

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 and commencement, etc.

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Amendment of the Criminal Procedure (Scotland) Act 1995) (Appeals by Stated Case) 2009 and comes into force on 8th April 2009.

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

Amendment of the Criminal Procedure (Scotland) Act 1995: appeals by stated case

2. For paragraph (b) of section 179(8) of the Criminal Procedure (Scotland) Act 1995 (stated case: transmission of complaint etc. by clerk of court) there is substituted—

“(b) shall transmit a certified copy of the complaint, the minute of proceedings and any other relevant documents to the Clerk of Justiciary.”.

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

Edinburgh
11th March 2009

(a) 1995 c.46.

EXPLANATORY NOTE

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

Section 179(8) of the Criminal Procedure (Scotland) Act 1995 requires the clerk of a court whose judge has signed a stated case to “transmit the complaint, productions and any other proceedings in the cause to the Clerk of Justiciary”. This Act of Adjournal amends that provision so that the requirement placed on the clerk is to “transmit a certified copy of the complaint, the minute of proceedings and any other relevant documents to the Clerk of Justiciary”. This makes the requirement the same as that which applies in relation to a note of appeal against sentence in summary proceedings (see section 186(4)(a) of the 1995 Act).

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