
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 229

**Act of Adjournal (Criminal Procedure Rules 1996
Amendment) (Approval of Sentencing Guidelines) 2018**

Amendment of the Criminal Procedure Rules 1996

- 2.—(1) The Criminal Procedure Rules 1996(1) are amended in accordance with this paragraph.
(2) After Chapter 67 (European Investigation Orders)(2) insert—

“CHAPTER 68

APPROVAL OF SENTENCING GUIDELINES

Interpretation of this Chapter

68.1. In this Chapter “the Council” means the Scottish Sentencing Council within the meaning of section 1 of the Criminal Justice and Licensing (Scotland) Act 2010(3).

Application for approval of sentencing guidelines

68.2.—(1) An application by the Council for approval by the High Court of sentencing guidelines is to be made in Form 68.2.

(2) On receipt of an application made under paragraph (1), the High Court must appoint a diet for the consideration of the application to take place as soon as practicable.

Consideration and determination of an application

68.3.—(1) On receipt of an application made under rule 68.2(1), the High Court may request such further information from the Council as it considers necessary.

(2) If the High Court is considering either—

- (a) approving the proposed guidelines, in part or with modifications; or
- (b) rejecting the proposed guidelines, in whole or in part,

it must intimate to the Council that it is considering such a course of action.

(3) The Council may submit to the High Court a written response to the intimation made under paragraph (2) within a period of 8 weeks from the date of receipt of the intimation.

(4) Approval or rejection of the proposed guidelines by the High Court must take place in open court.

(1) The Criminal Procedure Rules 1996 are in schedule 2 of the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2018/150).
(2) Chapter 67 was inserted by S.S.I. 2018/150.
(3) 2010 asp 13.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) The court must be chaired by the Lord Justice General, whom failing the senior judge of the High Court.

(6) The court cannot include a judge who is a member of the Council.”

(3) In the appendix, after Form 67.9 (form of application for variation or revocation of customer information order or account monitoring order)(4) insert Form 68.2 set out in the schedule of this Act of Adjournal.

(4) Form 67.9 was inserted by [S.S.I. 2018/150](#).