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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 321**

**HIGH COURT OF JUSTICIARY  
SHERIFF COURT**

**Act of Adjournal (Criminal Procedure Rules  
1996 Amendment) (Miscellaneous) 2019**

*Made* - - - - *10th October 2019*  
*Laid before the Scottish*  
*Parliament* - - - - *15th October 2019*  
*Coming into force* - - *13th November 2019*

The High Court of Justiciary makes this Act of Adjournal under the powers conferred by section 305 of the Criminal Procedure (Scotland) Act 1995(1) and all other powers enabling it to do so.

**Citation and commencement, etc.**

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) 2019.

(2) It comes into force on 13th November 2019.

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

**Amendment of the Criminal Procedure Rules 1996**

2.—(1) The Criminal Procedure Rules 1996(2) are amended in accordance with this paragraph.

(2) In Chapter 14 (procedure at trial in solemn proceedings)(3) in rule 14.1A(1) (minimum number of jurors for balloting jury)(4) for “in the court” substitute “, whether in the courtroom in which the trial is to proceed or assembled elsewhere within the court building.”.

(3) In Chapter 33 (legal aid)(5)—

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(1) 1995 c.46. Section 305 was amended by section 111(1) of the Criminal Justice (Scotland) Act 2016 ([asp 1](#)) and [S.S.I. 2015/338](#), and was extended by section 386(3)(a) of the Proceeds of Crime Act 2002 ([c.29](#)), section 36A(4) of the Serious Crime Act 2007 ([c.27](#)), and section 32(5) of the Psychoactive Substances Act 2016 ([c.2](#)).

(2) 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. 2019/139](#)).

(3) Chapter 14 was last amended by [S.S.I. 2010/418](#).

(4) Rule 14.1A was inserted by [S.S.I. 2010/184](#).

(5) Chapter 33 was last amended by [S.S.I. 2010/418](#).

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**Status:** This is the original version (as it was originally made).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

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- (a) in the cross-heading of rule 33.6 (intimation of appointment of solicitor by court in proceedings in respect of sexual offence)(6) for “**proceedings in respect of sexual offence**” substitute “**certain proceedings**”;
- (b) in rule 33.6 for “proceedings in respect of sexual offence” substitute “such cases”.

Edinburgh  
10th October 2019

*CJM SUTHERLAND*  
Lord Justice General  
I.P.D.

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(6) Rule 33.6 was inserted by [S.S.I. 2002/454](#).

## EXPLANATORY NOTE

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

This Act of Adjournal amends Chapter 14 (procedure at trial in solemn proceedings) and Chapter 33 (legal aid) of the Criminal Procedure Rules 1996.

Paragraph 2(2) amends rule 14.1A(1) to provide that the requirement that there be at least 30 jurors present for balloting of the jury to commence is fulfilled whether the jurors are in the courtroom or assembled elsewhere in the court building.

Paragraph 2(3) amends the cross-heading and text of rule 33.6 to reflect the fact that the rule applies to a range of proceedings, and not just to proceedings in respect of a sexual offence.

This Act of Adjournal comes into force on 13th November 2019.