



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

[^{F1}PART XA

SCOTTISH CRIMINAL CASES REVIEW COMMISSION]

References to High Court

^{F1}194D Further provision as to references.

- (1) A reference of a conviction, sentence or finding may be made under section 194B of this Act whether or not an application has been made by or on behalf of the person to whom it relates.
- (2) In considering whether to make a reference the Commission shall have regard to—
 - (a) any application or representations made to the Commission by or on behalf of the person to whom it relates;
 - (b) any other representations made to the Commission in relation to it: and
 - (c) any other matters which appear to the Commission to be relevant.
- (3) In considering whether to make a reference the Commission may at any time refer to the High Court for the Court's opinion any point on which they desire the Court's assistance; and on a reference under this subsection the High Court shall consider the point referred and furnish the Commission with their opinion on the point.
- (4) Where the Commission make a reference to the High Court under section 194B of this Act they shall—
 - (a) give to the Court a statement of their reasons for making the reference; and
 - (b) send a copy of the statement to every person who appears to them to be likely to be a party to any proceedings on the appeal arising from the reference.
- (5) In every case in which—
 - (a) an application has been made to the Commission by or on behalf of any person for the reference by them of any conviction, sentence or finding; but

Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 194D is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the Commission decide not to make a reference of the conviction, sentence or finding,
they shall give a statement of the reasons for their decision to the person who made the application.

Textual Amendments

F1 S. 194D inserted (1.4.1999) by 1997 c. 48, s. 25(1); S.I. 1999/652, art. 2, Sch. (subject to art. 3)

Status:

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