

SCHEDULE 5 MODIFICATIONS OF ENACTMENTS

PART 2

SHERIFF APPEAL COURT

Criminal Justice and Licensing (Scotland) Act 2010

17 (1) The Criminal Justice and Licensing (Scotland) Act 2010 is amended in accordance with this paragraph.

(2) In section 6 (effect of sentencing guidelines)—

(a) for subsection (4), substitute—

“(4) Subsection (5) applies where, on an appeal in any case—

(a) the High Court of Justiciary passes another sentence under one of the following provisions of the 1995 Act—

(i) section 118(3),

(ii) section 118(4)(b),

(iii) section 118(4A)(b),

(iv) section 118(4A)(c)(ii), or

(b) the Sheriff Appeal Court or the High Court passes another sentence under section 189(1)(b) of that Act.”,

(b) in subsection (5), after “Court” insert “or, as the case may be, the Sheriff Appeal Court”.

(3) After section 8, insert—

“8A Sheriff Appeal Court’s power to require preparation or review of sentencing guidelines

(1) Where the Sheriff Appeal Court pronounces an opinion under section 189(7) of the 1995 Act, the Court may require the Council to—

(a) prepare, for the approval of the High Court of Justiciary, sentencing guidelines on any matter, or

(b) review any sentencing guidelines published by the Council on any matter.

(2) On making a requirement under subsection (1), the Sheriff Appeal Court must state its reasons for doing so.

(3) The Council must comply with a requirement made under subsection (1) and, in doing so, must have regard to the Sheriff Appeal Court’s reasons for making the requirement.”.

(4) In section 9 (publication of High Court guideline judgments)—

(a) in subsection (1), for “or 189(7) of the 1995 Act” substitute “of the 1995 Act and opinions of the Sheriff Appeal Court or the High Court pronounced under section 189(7) of that Act”,

(b) in subsection (2), after “High Court” insert “or the Sheriff Appeal Court”,

Status: This is the original version (as it was originally enacted).

- (c) the title of the section becomes “**Publication of High Court and Sheriff Appeal Court guideline judgments**”.
- (5) In section 13 (annual report of the Scottish Sentencing Council), in subsection (3)—
 - (a) the word “and” immediately following paragraph (d) is repealed,
 - (b) after paragraph (e) insert “, and
 - (f) requirements made by the Sheriff Appeal Court under section 8A and of the Council’s response to them.”.