

*These notes relate to the Criminal Justice (Scotland) Act 2016  
(asp 1) which received Royal Assent on 13 January 2016*

# **CRIMINAL JUSTICE (SCOTLAND) ACT 2016**

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## **EXPLANATORY NOTES**

### **OVERVIEW OF THE ACT**

#### **Part 5 – Appeals and Scrc**

#### **SCCRC**

#### ***Section 96 – References by SCCRC***

244. **Section 96** of the Act amends the 1995 Act to adjust how the High Court considers cases referred to it by the Scottish Criminal Cases Review Commission (“the SCCRC”) and to adjust the definition of the “interests of justice” test applied by the SCCRC in deciding whether to refer a case to the High Court.
245. **Section 96(4)** of the Act repeals section 194C(2) of the 1995 Act so that the SCCRC are no longer required to explicitly consider the need for finality and certainty in criminal proceedings as part of how they assess “interests of justice” when deciding whether to refer a case to the High Court.
246. **Section 96(5)** of the Act repeals section 194DA of the 1995 Act so that the High Court will no longer have the power to reject a SCCRC reference on the basis of applying an interests of justice test. Section 96(2) of the Act makes a consequential change to section 194B of the 1995 Act.