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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 272**

**Act of Adjournal (Amendment of the Criminal Procedure (Scotland) Act 1995) (Transcripts) 2012**

**Amendment of the Criminal Procedure (Scotland) Act 1995: transcripts**

2.—(1) Section 94 of the Criminal Procedure (Scotland) Act 1995 (transcripts of record and documentary productions) is amended in accordance with the following subparagraphs.

(2) In subsection (2A)(1)—

(a) for paragraph (b) substitute—

“(b) either of the conditions in subsection (2AZA) is met or it is otherwise in the interests of justice to do so,”

(b) for “so orders,” substitute “may order, and in that event”.

(3) After that subsection insert—

“(2AZA) The conditions mentioned in subsection (2A)(b) are that—

(a) a ground of appeal, for which leave to appeal has been granted, reveals a significant dispute between that ground and the report of the trial judge on the nature and extent of the evidence, speech or other part of the record to which the application relates; or

(b) the trial judge’s report does not, in relation to a ground of appeal for which leave to appeal has been granted, provide a sufficient narrative of the nature and extent of the evidence, speech or other part of the record to which the application relates.”.

(4) In subsection (2C)(2), after paragraph (a) insert—

“(aa) set out, for each ground of appeal to which the application relates, the particular evidence, speech or other part of the record required; and”.

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(1) Section 94(2A) was inserted by section 65 of the Criminal Justice (Scotland) Act 2003 ([asp 7](#)).

(2) Section 94(2C) was inserted by section 65 of the Criminal Justice (Scotland) Act 2003 ([asp 7](#)).