

**2020 No. 470**

**HIGH COURT OF JUSTICIARY**

**SHERIFF APPEAL COURT**

**SHERIFF COURT**

**JUSTICE OF THE PEACE COURT**

**Act of Adjournal (Challenges to Validity of EU Instruments (EU Exit)) (Amendment) 2020**

*Made* - - - - *23rd December 2020*

*Laid before the Scottish Parliament* *24th December 2020*

*Coming into force in accordance with paragraph 1(2)*

The High Court of Justiciary makes this Act of Adjournal under the powers conferred on it by section 305 of the Criminal Procedure (Scotland) Act 1995(a) 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 (Challenges to Validity of EU Instruments (EU Exit)) (Amendment) 2020.

(2) It comes into force immediately before IP completion day.

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

**Amendment of the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Challenges to Validity of EU Instruments (EU Exit)) 2019**

**2.—(1)** The Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Challenges to Validity of EU Instruments (EU Exit)) 2019(b) is amended in accordance with this paragraph.

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(a) 1995 c.46. Section 305 was amended by section 111(1) of the Criminal Justice (Scotland) Act 2016 (asp 1) and by 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).

(b) S.S.I. 2019/330.

(2) In paragraph 2(2) (amendment of the Criminal Procedure Rules 1996), where it inserts rules 70.2(2) (declarations from the court in solemn or summary proceedings that an EU instrument was invalid – notices) and 70.4(2) (declarations from the court in other proceedings that an EU instrument was invalid – notices) into the Criminal Procedure Rules 1996(a), both times where it occurs for “exit day” substitute “IP completion day”.

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

Edinburgh  
23rd December 2020

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(a) The Criminal Procedure Rules 1996 are in schedule 2 of the Act of Adjournment (Criminal Procedure Rules) 1996 (S.I. 1996/513), last amended by S.I. 2020/942.

## **EXPLANATORY NOTE**

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

This Act of Adjournal amends the Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Challenges to Validity of EU Instruments (EU Exit)) 2019 (S.S.I. 2019/330) (“the Principal Instrument”).

The Principal Instrument comes into force on IP completion day by the operation of paragraph 1 of Schedule 5 of the European Union (Withdrawal Agreement) Act 2020 (c.1) (“the Act”). This Act of Adjournal comes into force immediately before IP completion day.

Paragraph 2 amends the Principal Instrument by substituting “IP completion day” for “exit day” in consequence of the Act and the amendments made to the Challenges to Validity of EU Instruments (EU Exit) Regulations 2019 (S.I. 2019/673) by the Challenges to Validity of EU Instruments (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1503).

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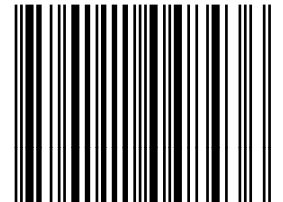
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