



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

APPEAL

Further provisions as to appeals

270 Custody of trial documents, etc.

- (1) Any document, production or other thing lodged in connection with the proceedings on the trial of any person who, if convicted, is entitled or may be authorised to appeal under this Part of this Act, shall, in accordance with the provisions of this section, be kept in the custody of the court in which the conviction took place.
- (2) [^{F1}Until any period allowed under or by virtue of this Part of this Act for lodging intimation of intention to appeal ^{F2}. . . has elapsed, all documents and other productions produced at the trial of a convicted person shall be kept]in the custody of the court of trial in such manner as it may direct, and, failing direction, such custody shall be in the hands of the sheriff clerk of the district of the court of the second diet to whom the clerk of court shall hand them over at the close of the trial, unless otherwise ordered by the High Court on [^{F3}an intimation of intention to appeal]. . .being lodged, and if within such period ^{F4}. . . [^{F3}there has been such lodgement] under this Part of this Act, they shall be so kept until the [^{F3}appeal, if it is proceeded with, is determined]:

Provided that the judge of the court in which the conviction took place may, on cause shown, grant an order authorising any of such documents or productions to be released on such conditions as to custody and return as he may deem it proper to prescribe.

- (3) All such documents or other productions so retained in custody or released and returned shall, under supervision of the custodian thereof, be made available for inspection and for the purpose of making copies of documents or productions to [^{F5}a person who has lodged an intimation of intention to appeal ^{F6}. . .]or [^{F7}, as the case may be, to the convicted person's] counsel or agent, and to the Crown Agent and the procurator-fiscal or his deutes.

Changes to legislation: Criminal Procedure (Scotland) Act 1975, Section 270 is up to date with all changes known to be in force on or before 26 April 2023. 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) View outstanding changes

- (4) In case no [^{F8}intimation of intention to appeal ^{F9}. . . is lodged within [^{F10}the period mentioned in subsection (2) above], all such documents and productions shall be dealt with as they are in use to be dealt with according to the existing law and practice at the conclusion of a trial [^{F11}; and they shall be so dealt with if, there having been such intimation, the appeal is not proceeded with.]]

Textual Amendments

- F1** Words in s. 270(2) substituted (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 1(25)(a)(i)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **arts. 3(4)**, 10(b)
- F2** Words in s. 270(2) repealed (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 117, Sch. 6 Pt. I para. 96(a), **Sch. 7 Pt. I**; S.I. 1996/517, arts. 3(2), 4-6, **Sch. 2**
- F3** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), Sch. 2 para. 26(a), **Sch. 6 para. 6**
- F4** Words in s. 270(2) repealed (1.10.1993) by 1993 c. 8, s. 47(1)(3), Sch. 5 para. 1(25)(a)(iii), **Sch. 7 Pt. I**; S.I. 1993/2050, **arts. 3(4)**, 10(b)
- F5** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), Sch. 2 para. 26(b), **Sch. 6 para. 6**
- F6** Words in s. 270(3) repealed (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 117, Sch. 6 Pt. I para. 96(b), **Sch. 7 Pt. I**; S.I. 1996/517, arts. 3(2), 4-6, **Sch. 2**
- F7** Words in s. 270(3) substituted (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 1(25)(b)(ii)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **arts. 3(4)**, 10(b)
- F8** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), Sch. 2 para. 26(c), **Sch. 6 para. 6**
- F9** Words in s. 270(4) repealed (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 117, Sch. 6 Pt. I para. 96(4), **Sch. 7 Pt. I**; S.I. 1996/517, arts. 3(2), 4-6, **Sch. 2**
- F10** Words in s. 270(4) substituted (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 25(c)(ii)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **arts. 3(4)**, 10(b)
- F11** Words added by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), Sch. 2 para. 26(c), **Sch. 6 para. 6**

Changes to legislation:

Criminal Procedure (Scotland) Act 1975, Section 270 is up to date with all changes known to be in force on or before 26 April 2023. 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)](#)[128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn. of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)](#)[Sch. 4 para. 24\(17\)\(b\)\(i\)](#)[Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)