



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XIII

MISCELLANEOUS

Trial judge's report

298 Trial judge's report.

- (1) Without prejudice to sections 113 and 186(3)(b) of this Act, the High Court may, in relation to—
- an appeal under section 106(1), 108 [^{F1}, 108A] or 175(2) to (4) of this Act;
 - an appeal by way of bill of suspension or advocation; or
 - a petition to the nobile officium,
- at any time before the appeal is finally determined or, as the case may be, petition finally disposed of, order the judge who presided at the trial, passed sentence or otherwise disposed of the case to provide to the Clerk of Justiciary a report in writing giving the judge's opinion on the case generally or in relation to any particular matter specified in the order.
- (2) The Clerk of Justiciary shall send a copy of a report provided under subsection (1) above to the convicted person or his solicitor, the Crown Agent and, in relation to cases referred under [^{F2}Part XA of this Act, the Commission].
- (3) Subject to subsection (2) above, the report of the judge shall be available only to the High Court, the parties and, on such conditions as may be prescribed by Act of Adjournal, such other persons or classes of persons as may be so prescribed.

Textual Amendments

- F1** Words in s. 298(1)(a) inserted (20.10.1997) by 1997 c. 48, s. 62(1), [Sch. 1 para. 21\(33\)\(a\)](#); S.I. 1997/2323, art. 3, [Sch.1](#)

Status: Point in time view as at 30/01/2012.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Cross Heading: Trial judge's report is up to date with all changes known to be in force on or before 21 May 2024. 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)*

F2 Words in s. 298(2) substituted (1.4.1999) by 1998 c. 48, s. 62(1), **Sch. 1 para. 21(33)(b)**; S.I. 1999/652, art. 2, **Sch.**(subject to savings and transitional provisions in art. 3)

Status:

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