STATUTORY INSTRUMENTS

1989 No. 48 (S.3)

HIGH COURT OF JUSTICIARY, SCOTLAND

Act of Adjournal (Consolidation Amendment) (Reference to European Court) 1989

Made	-	-	-	-	*12th January 1989*
Coming into force		-	-		*2nd February 1989*

The Lord Justice General Lord Justice Clerk and Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 282 of the Criminal Procedure (Scotland) Act 1975((**1**)) and of all other powers enabling them in that behalf, hereby enact and declare:

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Consolidation Amendment) (Reference to European Court) 1989, and shall come into force on 2nd February 1989.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Reference to European Court in appeals

2. In the Act of Adjournal (Consolidation) 1988((**2**)), after rule 64, insert the following heading and rule:—

"**Proceedings on appeal, etc.**

64A.—(1) If a question is raised in the High Court in any proceedings on appeal or on a petition for the exercise of the Court's nobile officium the Court shall proceed to make a reference.

(2) In this rule references to proceedings on appeal are references to proceedings on appeal under the 1975 Act and an appeal by bill of advocation." .

(**1**)   1975 c. 21; section 282 was amended by paragraph 47 of Schedule 7 to the Criminal Justice (Scotland) Act 1980 (c. 62)
(**2**)   S.I.1988/110

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Emslie Lord
12th January 1989   Justice General, IPD Edinburgh

EXPLANATORY NOTE

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

This Act of Adjournal amends the Act of Adjournal (Consolidation) 1988 by making provision for references to the European Court in appeals in solemn procedure.