
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 315

**Act of Adjournal (Criminal Procedure Rules
Amendment No. 2) (Human Rights Act 1998) 2000**

Procedure in matters arising out of the Human Rights Act 1998

2. After Chapter 40 of the Criminal Procedure Rules 1996(1) there is inserted—

**“CHAPTER 41
HUMAN RIGHTS ACT 1998**

Application and interpretation

41.1.—(1) This Chapter deals with various matters relating to the Human Rights Act 1998.

(2) In this Chapter—

“the 1998 Act” means the Human Rights Act 1998;

“declaration of incompatibility” has the meaning given by section 4 of the 1998 Act.

Evidence of judgments etc

41.2.—(1) Evidence of any judgment, decision, declaration or opinion of which account has to be taken by the court under section 2 of the 1998 Act shall be given by reference to any authoritative and complete report of the said judgment, decision, declaration or opinion and may be given in any manner.

(2) Evidence given in accordance with paragraph (1) shall be sufficient evidence of that judgment, decision, declaration or opinion.

Declaration of incompatibility

41.3.—(1) Where in any proceedings the court is considering whether to make a declaration of incompatibility it shall give notice of this in Form 41.3—A to such persons as the Lord Justice General may from time to time direct.

(2) Where any—

- (a) Minister of the Crown (or person nominated by him);
- (b) member of the Scottish Executive;
- (c) Northern Ireland Minister;
- (d) Northern Ireland department,

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wishes to be joined as a party to proceedings in relation to which the Crown is entitled to receive notice under section 5 of the 1998 Act he or, as the case may be, it shall serve notice in Form 41.3—B to that effect on the Deputy Principal Clerk of Justiciary and shall serve a copy of the notice on all other parties to the proceedings.

41.4. Within 14 days after the date of service of the notice under rule 41.3(2), the person serving the notice shall lodge a minute in the proceedings in Form 41.4 and shall serve a copy of that minute on all other parties to the proceedings.

41.5. The court may fix a diet for a hearing on the question of incompatibility as a separate hearing from any other hearing in the proceedings and may sist the proceedings if it considers it necessary to do so while the question of incompatibility is being determined.”.