

**2012 No. 187**

**HIGH COURT OF JUSTICIARY**

**SHERIFF COURT**

**JUSTICE OF THE PEACE COURT**

**Act of Adjournal (Criminal Procedure Rules Amendment No. 2)  
(Miscellaneous) 2012**

*Made* - - - - - *6th June 2012*

*Laid before the Scottish Parliament* *8th June 2012*

*Coming into force* - - - *16th July 2012*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 305 of the Criminal Procedure (Scotland) Act 1995(a) and of all other powers enabling them in that behalf do hereby enact and declare:

**Citation, commencement etc.**

**1.**—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No. 2) (Miscellaneous) 2012.

(2) It comes into force on 16th July 2012.

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

(4) The Criminal Procedure Rules 1996(b) are amended in accordance with the following paragraphs.

**Appeals against sentence etc.**

**2.**—(1) In rule 15.1(5) (register and lists of appeals)(c) for “42” substitute “28”.

(2) In rule 15.16(3)(a) (presentation of solemn sentence appeal in writing)(d) for “21” substitute “14”.

(3) In rule 19.14(3) (list of appeals)(e) for “42” substitute “28”.

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(a) 1995 c.46.

(b) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2012/125).

(c) Rule 15.1(5), last amended by S.S.I. 2006/302.

(d) Rule 15.16 was inserted by S.S.I. 2003/387 and was amended by S.S.I. 2006/302.

(e) Rule 19.14, last amended by S.S.I. 2003/387.

(4) In rule 19.19(3)(a) (presentation of summary sentence appeal in writing)(a) for “21” substitute “14”.

### **Scottish Criminal Cases Review Commission**

3. After rule 19B.1(2) (references)(b) insert—

“(2A) Subject to section 194D(4A) of the Act of 1995, within 21 days after the date on which a copy of the Commission’s statement is sent under section 194D(4)(b) of the Act of 1995 the appellant shall lodge with the Clerk of Justiciary a note of the grounds of appeal that are to be relied upon at the hearing of the appeal and send a copy to the Crown Agent.

(2B) The High Court may, on cause shown, extend the period of 21 days mentioned in paragraph (2A).”.

### **Transitional provisions**

4.—(1) Paragraph 2 of this Act of Adjournal shall apply only to appeals in which leave to appeal in terms of section 107 of the Criminal Procedure (Scotland) Act 1995 was granted after the date on which this Act of Adjournal comes into force.

(2) Paragraph (3) of this Act of Adjournal shall apply only to cases which were referred to the High Court in terms of section 194B of the Criminal Procedure (Scotland) Act 1995 after the date on which this Act of Adjournal comes into force.

*A.C. HAMILTON*  
Lord Justice General  
I.P.D.

Edinburgh  
6th June 2012

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(a) Rule 19.19 was inserted by S.S.I. 2003/387.  
(b) Rule 19B.1 substituted by S.S.I. 2010/418.

## **EXPLANATORY NOTE**

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

This Act of Adjournal amends the Criminal Procedure Rules 1996.

Paragraph 2 amends rule 15.1(5), rule 15.16(3)(a), rule 19.14(3) and rule 19.19(3)(a) to amend the periods of notice and time limits in appeals against sentence.

Paragraph 3 amends rule 19B.1 to provide that in relation to a case on reference from the Scottish Criminal Cases Review Commission the appellant's note of appeal is to be lodged within 21 days of the Commission's statement of reasons being sent to the appellant.

Paragraph 4 makes transitional provision in respect of paragraphs 2 and 3.

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