
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 27

**Act of Adjournal (Criminal Procedure Rules
1996 Amendment) (Miscellaneous) 2020**

Amendment of the Criminal Procedure Rules 1996

- 2.—(1) The Criminal Procedure Rules 1996(1) are amended in accordance with this paragraph.
- (2) In Chapter 22 (evidence of vulnerable witnesses)(2)—
- (a) in rule 22.4 (review of arrangements for vulnerable witnesses)(3), in paragraph (2) omit “and served on every other party by the minuter”;
 - (b) for rule 22.5 (procedure for review) substitute—

“Procedure for review

22.5. On receipt of a minute under rule 22.4(1)(b) (minute for review of arrangements for vulnerable witnesses) or on a review on the court’s own motion, the court, after giving the parties an opportunity to be heard by making written submissions within such period as specified by the court, may—

- (a) consider and determine the review without a hearing; or
 - (b) make an order, endorsed on the minute or recorded in the minute of proceedings, fixing a diet for a hearing of the application and for intimation by the clerk of court of the date of the diet to all parties.”;
- (c) in rule 22.6 (intimation of the order)—
- (i) omit “at a hearing fixed”;
 - (ii) for “the hearing” substitute “a hearing”;
- (d) omit rule 22.10 (evidence in chief in form of prior statement).
- (3) In Chapter 56 (reporting restrictions)(4)—
- (a) in rule 56.2 (interim orders: notification to interested persons)—
 - (i) for the heading substitute “**Interim orders**”;
 - (ii) in paragraph (1) for “may” substitute “must first”;
 - (iii) in paragraph (2) omit “Where the court makes an interim order,”;
 - (b) in rule 56.3 (interim orders: representations)(5)—
 - (i) for the heading substitute “**Representations**”;
 - (ii) omit paragraph (1).

(1) The Criminal Procedure Rules 1996 are in schedule 2 of the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513), last amended by S.S.I. 2019/330.

(2) Chapter 22 was substituted by S.S.I. 2005/188 and last amended by S.S.I. 2015/443.

(3) Rules 22.4 to 22.6 were substituted by S.S.I. 2005/188.

(4) Chapter 56 was inserted by S.S.I. 2011/194 and substituted by S.S.I. 2015/84.

(5) Rule 56.3 was amended by S.S.I. 2015/245.

- (4) In the appendix—
- (a) in Form 22.4 (form of application for review of arrangements for taking evidence under section 271D of the Criminal Procedure (Scotland) Act 1995)(6)—
 - (i) omit paragraph 7;
 - (ii) for paragraph (a) substitute—
 - “(a) to order intimation of this application to all parties and to invite parties to make submissions in writing within such period as to the court seems fit, and thereafter, either to determine this application without a hearing or, as the case may be, to fix a diet for hearing this application and to order intimation of the diet to all parties;”;
 - (iii) in paragraph (b) omit “, after hearing all the parties,”;
 - (b) for Form 40.2 (form of minute of notice of intention to raise a compatibility issue or devolution issue)(7) and Form 40.3 (form of minute of notice of intention to raise a compatibility issue or devolution issue) substitute Form 40.2 and Form 40.3 set out in the schedule of this Act of Adjournal.

(6) Form 22.4 was inserted by [S.S.I. 2005/188](#) and last amended by [S.S.I. 2015/443](#).

(7) Forms 40.2 and 40.3 were inserted by [S.S.I. 2013/72](#). They replaced Forms 40.2A and 40.3A (inserted by [S.S.I. 1999/1346](#)).