



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VIII

APPEALS FROM SOLEMN PROCEEDINGS

113 Judge's report.

- (1) As soon as is reasonably practicable after receiving the copy note of appeal sent to him under section 110(1) of this Act, the judge who presided at the trial shall furnish the Clerk of Justiciary with a written report giving the judge's opinion on the case generally and on the grounds contained in the note of appeal.
- (2) The Clerk of Justiciary shall send a copy of the judge's report—
 - (a) to the convicted person or his solicitor;
 - (b) to the Crown Agent; and
 - (c) in a case referred under [F1Part XA of this Act, to the Commission].
- (3) Where the judge's report is not furnished as mentioned in subsection (1) above, the High Court may call for the report to be furnished within such period as it may specify or, if it thinks fit, hear and determine the appeal without the report.
- (4) 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. 113(2)(c) substituted (1.4.1999) by 1997 c. 48 , s. 62(1) , **Sch. 1 para. 21(16)** ; S.I. 1999/652 , art. 2 , **Sch.** (subject to savings and transitional provisions in art. 3)

Modifications etc. (not altering text)

- C1** S. 113(2)-(4) applied (26.8.2002) by Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513) , rule 15 .15(3) (as inserted (26.8.2002) by Act of Adjournal (Criminal Appeals) 2002 (S.S.I. 2002/387) , **para. 3(4)**)

Status:

Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 113 is up to date with all changes known to be in force on or before 28 July 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.