

1990 No. 718 (S.91)

HIGH COURT OF JUSTICIARY, SCOTLAND

SUMMARY JURISDICTION, SCOTLAND

**Act of Adjournal (Consolidation Amendment No. 1)
(Drug Trafficking) 1990**

Made - - - - - *22nd March 1990*

Coming into force *12th April 1990*

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 38(6) of the Criminal Justice (Scotland) Act 1987(a) and sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975(b), and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Consolidation Amendment No. 1) (Drug Trafficking) 1990 and shall come into force on 12th April 1990.

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

Amendment of Act of Adjournal (Consolidation) 1988

2.—(1) The Act of Adjournal (Consolidation) 1988(c) shall be amended in accordance with the following sub-paragraphs.

(2) After rule 67, insert the following heading and rule:—

(a) 1987 c.41.

(b) 1975 c.21; section 282 was amended by paragraph 47, and section 457 by paragraph 72 of Schedule 7 to the Criminal Justice (Scotland) Act 1980 c.62.

(c) S.I. 1988/110.

“Remit to Court of Session

Remit to Court of Session under Criminal Justice (Scotland) Act 1987

67A. (1) This rule applies to a remit by the High Court to the Court of Session under section 3(5) of the Criminal Justice (Scotland) Act 1987.

(2) Where the High Court remits a case to the Court of Session—

- (a) the terms of the question to be decided by the Court of Session shall be entered in the record of proceedings; and
- (b) the High Court shall postpone the decision about making a confiscation order pending the decision of the Court of Session.

(3) Where the High Court remits a case to the Court of Session, the Deputy Principal Clerk of Justiciary shall transmit to the Deputy Principal Clerk of Session—

- (a) a certified copy of—
 - (i) the record copy indictment; and
 - (ii) the record of the proceedings; and
- (b) such other documents as shall appear necessary.”.

(3) In the cross-heading after rule 153, for the words “*Drug Trafficking Offences Act 1986*”, substitute the words “*Criminal Justice (Scotland) Act 1987*”.

(4) In rule 154 (order to make material available)—

- (a) in paragraph (1), for the words “27(2) of the *Drug Trafficking Offences Act 1986*”, substitute the words “38(2) of the *Criminal Justice (Scotland) Act 1987*”;
- (b) in paragraph (3), for the words “27(5) of the Act of 1986”, substitute the words “38(5) of the Act of 1987”; and
- (c) in paragraph (3), for the words “27(2)”, substitute the words “38(2)”.

(5) In rule 155 (discharge and variation), for the words “27(2) or (5)”, substitute the words “38(2) or (5)”.

(6) In rule 156 (warrant to search premises), for the words “28(1) of the Act of 1986”, substitute the words “39(1) of the Act of 1987”.

(7) In rule 167, after the words “(manner of service of indictment, etc.)”, insert the words “or service of any statement under section 4(2) of the *Criminal Justice (Scotland) Act 1987*”.

Edinburgh
22nd March 1990

J.A.D. Hope
Lord Justice General
I.P.D.

EXPLANATORY NOTE

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

This Act of Adjournal amends the Act of Adjournal (Consolidation) 1988 in relation to proceedings in the High Court of Justiciary under Part I of the *Criminal Justice (Scotland) Act 1987* (confiscation of proceeds of drug trafficking etc.).

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