
STATUTORY INSTRUMENTS

1993 No. 2226 (S.236)

CRIMINAL LAW, SCOTLAND

The Transcripts of Criminal Proceedings (Scotland) Order 1993

Made - - - - *9th September 1993*
Laid before Parliament *10th September 1993*
Coming into force - - *1st October 1993*

The Secretary of State, in exercise of the powers conferred upon him by section 275(3) of the Criminal Procedure (Scotland) Act 1975(1), and of all other powers enabling him in that behalf, and after consulting the Lord Justice General in accordance with that subsection, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Transcripts of Criminal Proceedings (Scotland) Order 1993 and shall come into force on 1st October 1993.

Interpretation

2. In this Order—

“specified class of person” means, in relation to any specified class of proceedings, any of the classes specified in article 3 of this Order;

“specified class of proceedings” means any of the classes specified in article 4 of this Order;

“specified purpose” means any of the purposes specified in article 5 of this Order;

“the 1975 Act” means the Criminal Procedure (Scotland) Act 1975.

Specified class of person

3. The following classes of person are, in relation to any specified class of proceedings, specified for the purposes of this Order, namely:—

- (a) the prosecutor in those proceedings;
- (b) any person convicted in those proceedings;

(1) 1975 c. 21; section 275 was substituted by section 47(1) of, and paragraph 1(27) of Schedule 5 to, the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9).

- (c) any other person named in, or immediately affected by, any order made by the court in those proceedings;
- (d) any person authorised to act on behalf of any person falling within any class of person specified in paragraphs (a) to (c) of this article.

Specified class of proceedings

4. The following classes of proceedings are specified for the purposes of this Order, namely:–
- (a) any proceedings of the High Court in which the judge has exercised the power conferred upon him by section 145(3) of the 1975 Act;
 - (b) any proceedings of the High Court during any period when–
 - (i) the court has made an order under section 4(2) of the Contempt of Court Act 1981(2) postponing publication of a report for a period; and
 - (ii) that period has not expired.

Specified purpose

5. The following purposes are specified for the purposes of this Order:–
- (a) the purpose of an appeal to the High Court;
 - (b) the purpose of any reference of a case to the High Court under section 263(1) of the 1975 Act or any application or petition in connection therewith;
 - (c) the purpose of any petition for the exercise of Her Majesty’s Prerogative of Mercy;
 - (d) the purpose of any proceedings before the European Commission of Human Rights or the European Court of Human Rights.

Restriction on availability of transcripts

6. In any specified class of proceedings, the Clerk of Justiciary shall only make a direction under section 275(2)(b) of the 1975 Act if satisfied that the person requesting the transcript is a person who falls within a specified class of person and intends to use it only for a specified purpose.

St. Andrew’s House,
Edinburgh
9th September 1993

Fraser of Carmyllie
Minister of State, The Scottish Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for restrictions on the availability under section 275 of the Criminal Procedure (Scotland) Act 1975 of transcripts of proceedings.

In particular article 6 provides that in certain classes of proceedings (specified in article 4) only certain classes of person (specified in article 3) may obtain transcripts and then only for a purpose specified in article 5.