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STATUTORY INSTRUMENTS

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**1994 No. 1769 (S.78)**

**HIGH COURT OF JUSTICIARY, SCOTLAND  
SUMMARY JURISDICTION, SCOTLAND**

**Act of Adjournal (Consolidation  
Amendment) (Miscellaneous) 1994**

*Made* - - - - *1st July 1994*  
*Coming into force* - - *1st August 1994*

The Lord Justice General, the Lord Justice-Clerk, and the Lords Commissioners of Justiciary under and by virtue of the powers conferred upon them by sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975(1), 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) (Miscellaneous) 1994 and shall come into force on 1st August 1994.

(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(2) shall be amended in accordance with the following sub-paragraphs.

(2) In rule 73A(3) (certificates in respect of documentary evidence)—

(a) in paragraph (1)(a)(ii), after the words “a person in” insert the words “, or who has been in,”; and

(b) in paragraph (1)(a)(iii), after the words “the person in” insert the words “, or who has been in,”.

(3) In rule 122A(4) (certificates in respect of documentary evidence)—

(a) after paragraph (1)(a)(i), omit the word “or”;

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(1) 1975 c. 21; sections 282 and 457 were extended by section 65 of, and amended by, paragraphs 47 and 72 respectively of Schedule 7 to, the Criminal Justice (Scotland) Act 1980 (c. 62).

(2) S.I.1988/110; relevant amending instrument is S.I. 1993/2391.

(3) Rule 73A was inserted by S.I. 1993/2391.

(4) Rule 122A was inserted by S.I. 1993/2391.

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- (b) in paragraph (1)(a)(ii), after the words “a person in” insert the words “, or who has been in,”; and
  - (c) after paragraph (1)(a)(ii), for the word “and” substitute the word “or” and insert the following sub-paragraph:–
    - “(iii) the authorised representative of the person in, or who has been in, possession and control of the original of it or a copy of it; and”.
- (4) In Schedule 1, for Form 93(5) (form of certificate of authentication of document) substitute the form set out in the Schedule to this Act of Adjournal.

Edinburgh  
1st July 1994

*J.A.D. Hope*  
Lord Justice General, IPD

SCHEDULE

Paragraph 2(4)

Rules 73A(1) and 122A(1)

FORM 93

Form of certificate of authentication of document

I, (*insert name, address and title of office held*), being

the author

[*or*

the person in [*or*who was on (state when) in] possession and control]

[*or*

the authorised representative of (*insert name and address*) who [*or*which] is in [*or*who [*or*which] was on (state when) in] possession and control]

of

the original(s)

[*or*

a copy [*or*copies] of the original(s)]

[*or*

a copy [*or*copies] of a material part [*or*material parts] of the original(s)]

of the copy document [*or*documents listed and described below] on which this certificate is endorsed [*or*to which this certificate is attached]

hereby certify that

it is a true copy

[*or*

they are true copies]

of [*or*of part(s) of]

the original(s)

[*or*

the copy [*or*copies] of the original(s)]

*or*

the copy [

*or*copies] of the material part [*or*material parts] of the original(s)]

[of] which

I am the author

[*or*

is [*or*are] [*or*was] [*or*were] in my possession and control]

[*or*

is [*or*are] [*or*was] [*or*were] in the possession and control of (*name and address*) of whom [*or*which] I am the authorised representative].

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Date: *(insert date)*

*(Signed)*

*(Insert authorised capacity in which certificate signed)*

*[List and describe documents]*

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### EXPLANATORY NOTE

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

This Act of Adjournal extends the categories of persons who can authenticate documents to be used in criminal proceedings for the purposes of paragraph (1)(1) of Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993. It also substitutes for Form 93 a new form of certificate for authenticating such documents, which takes account of the extension.