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STATUTORY INSTRUMENTS

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**1995 No. 1751 (S.121)**

**CRIMINAL LAW, SCOTLAND**

**The Transcripts of Criminal Proceedings  
(Scotland) Amendment Order 1995**

<i>Made</i>	- - - -	<i>10th July 1995</i>
<i>Laid before Parliament</i>		<i>11th July 1995</i>
<i>Coming into force</i>	- -	<i>1st August 1995</i>

The Secretary of State, in exercise of the powers conferred upon him by subsection (3) of section 275 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, commencement and interpretation**

1.—(1) This Order may be cited as the Transcripts of Criminal Proceedings (Scotland) Amendment Order 1995 and shall come into force on 1st August 1995.

(2) In this Order “the principal Order” means the Transcripts of Criminal Proceedings (Scotland) Order 1993(2).

**Amendment of principal Order**

2.—(1) Article 4 of the principal Order shall be amended by substituting, for paragraphs (a) and (b), the following:—

“(a) any proceedings which are conducted in the absence of persons from the court room by virtue of an order made under section 145(3) of the 1975 Act or a direction made under section 166 of the 1975 Act; and

(b) any proceedings of the High Court which may not be published by virtue of an order made under section 4(2) of the Contempt of Court Act 1981(3).”

(2) Article 5 of the principal Order shall be amended by inserting, at the end, the following:—

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(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).  
(2) S.I.1993/2226.  
(3) 1981 c. 49.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(e) the purposes of any proceedings before the Court of Justice of the European Communities.”.

St Andrew’s House,  
Edinburgh  
10th July 1995

*James Douglas-Hamilton*  
Minister of State, Scottish Office

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Transcripts of Criminal Proceedings (Scotland) Order 1993 (“the principal Order”). The principal Order makes provision for restrictions on the availability under section 275 of the Criminal Procedure (Scotland) Act 1975 of transcripts of proceedings.

Article 2(1) of this Order amends article 4 of the principal Order so that it will restrict the availability of transcripts of proceedings—

- (a) which are conducted in the absence of persons from the Court room by virtue of certain provisions of the 1975 Act; or
- (b) which may not be published by virtue of an order under section 4(2) of the Contempt of Court Act 1981.

Article 2(2) of this Order amends article 5 of the principal Order so that it will enable transcripts to be made available in certain circumstances, for the purposes of proceedings before the Court of Justice of the European Communities.