SCOTTISH STATUTORY INSTRUMENTS

2001 No. 479

HIGH COURT OF JUSTICIARY

Act of Adjournal (Criminal Procedural Rules Amendment) (Convention Rights (Compliance) (Scotland) Act 2001) 2001

Made - - - -	*18th December 2001*
Coming into force - -	*21st December 2001*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary in exercise of the powers conferred upon them by section 305 of the Criminal Procedure (Scotland) Act 1995(**1**) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1. This Act of Adjournal—

(a) may be cited as the Act of Adjournal (Criminal Procedure Rules of Amendment) (Convention Rights (Compliance) (Scotland) Act 2001) 2001;

(b) shall come into force on 21 December 2001; and

(c) shall be inserted in the Books of Adjournal.

Procedure in matters arising out of the Human Rights Act 1998

2. After Chapter 41 of the Criminal Procedure Rules 1996(**2**), there is inserted—

"CHAPTER 42

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

Application and interpretation

42.1.—(1) This Chapter applies to punishment part hearings.

(2) In this Chapter—

"the 2001 Act" means the Convention Rights (Compliance) (Scotland) Act 2001(**3**);

(**1**) 1995 c. 46.
(**2**) S.I.1996/513, as amended.
(**3**) asp 7

"punishment part hearing" means a hearing in terms of paragraph 12 of Part 1 of the Schedule to the 2001 Act;

"existing life prisoners" has the meaning given in paragraph 2 of Part 1 of the Schedule to the 2001 Act;

"procedural hearing" means a hearing, held in terms of rule 42.4, for the purpose of determining any matter raised in terms of rule 42.3.

Intimation

42.2.—(1) The Deputy Principal Clerk of Justiciary shall intimate the date, time and place of a punishment part hearing in Form 42.2.

Disputed or additional documents

42.3.—(1) If an existing life prisoner who has received intimation of a punishment part hearing in terms of rule 42.2(1) wishes to—

(a) dispute the terms of any document, or a part of any document, sent to him by the Scottish Ministers in terms of paragraph 10 of Part 1 of the Schedule to the 2001 Act; or

(b) lodge any other document,

he shall, not later than 21 days before the date of the punishment part hearing, give written intimation to the Deputy Principle Clerk of Justiciary.

(2) An existing life prisoner who gives intimation in terms of paragraph (1) of this rule shall, at the same time, specify the grounds upon which he seeks to—

(a) dispute the document or part of the document; or

(b) lodge any other document,

and shall lodge any document referred to in, or to which he intends to refer, in support of such grounds.

(3) None of the matters mentioned in paragraph (1) of this rule may be raised after the time specified in that paragraph.

Procedural hearing

42.4. Where an existing life prisoner gives intimation in terms of paragraph (1) of rule 42.3, there shall, 14 days before the date of the punishment part hearing, be a procedural hearing.("

3. After Form 41.4 there is inserted—

"**Form 42.2HIGH COURT OF JUSTICIARYCONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001**