SCOTTISH STATUTORY INSTRUMENTS

2002 No.137

HIGH COURT OF JUSTICIARY

Act of Adjournal (Criminal Procedure Rules Amendment) (Convention Rights (Compliance) (Scotland) Act 2001) 2002

Made - - -	*1st March 2002*
Coming into force - -	*4th March 2002*

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(**a**) 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 Amendment) (Convention Rights (Compliance) (Scotland) Act 2001) 2002;

(b) shall come into force on 4 March 2002; and

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

Amendment of the Criminal Procedure Rules

2.–(1) The Criminal Procedure Rules 1996(**b**) are amended in accordance with the following paragraphs.

(2) In rule 42.1 (application and interpretation), in paragraph (2)–

(a) in the definition of "punishment part hearing", after "Part 1" insert "or paragraph 59 of Part 4"; and

(b) for the words "existing life prisoners" substitute the words "life prisoner".

(3) In rules 42.3 (disputed or additional documents) and 42.4 (procedural hearing) for the words "an existing life prisoner" at each place where they occur substitute the words "a life prisoner".

(4) In rule 42.3, in paragraph (1)(a)–

(a) for "paragraph 10" substitute "paragraph 9"; and

(b) after "Part 1" insert "or paragraph 56 of Part 4".

(5) In the Appendix (forms) for Form 42.2 substitute—

(**a**) 1995 c.46.
(**b**) S.I. 1996/513, as amended.

"Form 42.2

HIGH COURT OF JUSTICIARY

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

To:

CROWN AGENT;

SOLICITOR FOR LIFE PRISONER *(if no solicitor, to the life prisoner);*

THE GOVERNOR, HM Prison, Edinburgh;

THE GOVERNOR, HM Prison, *(enter name of prison in which life prisoner is detained)*;

In the case of a life prisoner who is detained in a hospital–
THE MEDICAL DIRECTOR, *(enter name of hospital in which life prisoner is detained)* Hospital; and
SCOTTISH EXECUTIVE HEALTH DEPARTMENT *(for the attention of Ms R Toal)*;

SCOTTISH EXECUTIVE JUSTICE DEPARTMENT;

SCOTTISH PRISON SERVICE HEADQUARTERS *(for the attention of Craig Oliver & Michael Godley)*

FIXING OF PUNISHMENT PART OF MANDATORY LIFE SENTENCE

Name of Life Prisoner:

Prisoner in the Prison of *(enter name of prison in which life prisoner is detained)*

In the case of a life prisoner who is detained in a hospital–
Restricted patient (who is a life prisoner) in *(enter name of hospital in which life prisoner is detained)* Hospital

TAKE NOTICE that the Court has fixed the day of at 10 o'clock as a diet for the hearing of the above at High Court.

JUSTICIARY OFFICE
LAWNMARKET
EDINBURGH
EH1 2NS

Clerk of Justiciary
Date ".

W Douglas Cullen
Lord Justice General,
I.P.D.

Edinburgh
1 March 2002

EXPLANATORY NOTE

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

This Act of Adjournal amends the Act of Adjournal (Criminal Procedure Rules) 1996 ("the principal Rules").

Paragraph 2(2) amends rule 42.1 of the principal Rules to extend the definition of "punishment part hearing" to include transferred life prisoners and also to clarify the definition of "life prisoner".

Paragraph 2(3) makes minor amendment to rules 42.3 and 42.4 of the principal Rules as a consequence of the amendments to rule 42.1.

Paragraph 2(4) amends rule 42.3 of the principal Rules to extend the application of that rule to transferred life prisoners.

Paragraph 2(5) substitutes a revised Form 42.2 for that form in the principal Rules, to reflect the various changes made to the Principal Rules by this Act of Adjournal.

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