



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 8

#### EVIDENTIAL, JURISDICTIONAL AND PROCEDURAL MATTERS

##### *Procedural matters*

#### 65 Transcript of record

In section 94 of the 1995 Act (transcripts of record and documentary productions)—

- (a) in subsection (2)—
  - (i) at the end of paragraph (a) there is added “ or, subject to subsection (2B) below, the prosecutor ”; and
  - (ii) in paragraph (b), after the word “person” there is inserted “ , not being a person convicted at the trial, ”; and
- (b) after that subsection there is inserted—

“(2A) If—

- (a) on the written application of a person convicted at the trial and granted leave to appeal; and
- (b) on cause shown,

a judge of the High Court so orders, the Clerk of Justiciary shall direct, on payment of such charges as are mentioned in paragraph (b) of subsection (2) above, that such a transcript be made and sent to that person.

(2B) Where, as respects any person convicted at the trial, the Crown Agent has received intimation under section 107(10) of this Act, the prosecutor shall not be entitled to make a request under subsection (2) (a) above; but if, on the written application of the prosecutor and on cause shown, a judge of the High Court so orders, the Clerk of Justiciary shall direct that such a transcript be made and sent to the prosecutor.

(2C) Any application under subsection (2A) above shall—

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**Changes to legislation:** *Criminal Justice (Scotland) Act 2003, Section 65 is up to date with all changes known to be in force on or before 22 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) be made within 14 days after the date on which leave to appeal was granted or within such longer period after that date as a judge of the High Court may, on written application and on cause shown, allow; and
  - (b) be intimated forthwith by the applicant to the prosecutor.
- (2D) The prosecutor may, within 7 days after receiving intimation under subsection (2C)(b) above, make written representations to the court as respects the application under subsection (2A) above (the application being determined without a hearing).
- (2E) Any application under subsection (2B) above shall—
- (a) be made within 14 days after the receipt of intimation mentioned in that subsection or within such longer period after that receipt as a judge of the High Court may, on written application and on cause shown, allow; and
  - (b) be intimated forthwith by the prosecutor to the person granted leave to appeal.
- (2F) The person granted leave to appeal may, within 7 days after receiving intimation under subsection (2E)(b) above, make written representations to the court as respects the application under subsection (2B) above (the application being determined without a hearing).”.

**Changes to legislation:**

Criminal Justice (Scotland) Act 2003, Section 65 is up to date with all changes known to be in force on or before 22 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to legislation.gov.uk. This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)