



Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010

2010 asp 15

Appeals

7 **References by the Scottish Criminal Cases Review Commission**

- (1) The 1995 Act is amended as follows.
- (2) In section 194B (SCCRC's power to refer cases to the High Court), in subsection (1), before "the case" insert " , subject to section 194DA of this Act,".
- (3) In section 194C (grounds for reference)—
 - (a) the existing words become subsection (1), and
 - (b) after that subsection, insert—

“(2) In determining whether or not it is in the interests of justice that a reference should be made, the Commission must have regard to the need for finality and certainty in the determination of criminal proceedings.”.
- (4) After section 194D, insert—

“194DA High Court's power to reject a reference made by the Commission

- (1) Where the Commission has referred a case to the High Court under section 194B of this Act, the High Court may, despite section 194B(1), reject the reference if the Court considers that it is not in the interests of justice that any appeal arising from the reference should proceed.
- (2) In determining whether or not it is in the interests of justice that any appeal arising from the reference should proceed, the High Court must have regard to the need for finality and certainty in the determination of criminal proceedings.

Status: This is the original version (as it was originally enacted).

- (3) On rejecting a reference under this section, the High Court may make such order as it considers necessary or appropriate.”