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STATUTORY INSTRUMENTS

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**1999 No. 1181 (S. 96)**

**CRIMINAL LAW, SCOTLAND**

**The Scottish Criminal Cases Review Commission  
(Application to Summary Proceedings) Order 1999**

*Made* - - - - - *31st March 1999*  
*Coming into force* - - - - - *1st April 1999*

The Secretary of State, in exercise of the powers conferred on him by section 194E of the Criminal Procedure (Scotland) Act 1995(1), and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has, in accordance with section 194E(2) of that Act, been laid before and approved by a resolution of, each House of Parliament:

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Scottish Criminal Cases Review Commission (Application to Summary Proceedings) Order 1999 and shall come into force on 1st April 1999.
- (2) In this Order, “the 1995 Act” means the Criminal Procedure (Scotland) Act 1995.

**Application of Part XA of the 1995 Act**

2. Part XA of the 1995 Act(2) shall apply in relation to convictions, sentences and findings made in summary proceedings as it applies in relation to convictions, sentences and findings made in solemn proceedings.

**Amendments to Part XA**

3. In section 194B(1) of the 1995 Act—
- (a) after “indictment” there is inserted “or complaint”; and
  - (b) after “Part VIII” there is substituted “or, as the case may be, Part X”.

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(1) 1995 c. 46; section 194E was inserted by the Crime and Punishment (Scotland) Act 1997 c. 48, section 25.  
(2) Inserted by the Crime and Punishment (Scotland) Act 1997, section 25.

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**Status:** This is the original version (as it was originally made).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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St Andrew's House,  
Edinburgh  
31st March 1999

*Donald C Dewar*  
Secretary of State

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## EXPLANATORY NOTE

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

The Scottish Criminal Cases Review Commission is a new statutory body corporate that is established under Part XA of the Criminal Procedure (Scotland) Act 1995. The Commission will consider convictions, sentences and findings made in solemn proceedings with a view to referring a case to the High Court if they believe that a miscarriage of justice may have occurred and that it is in the interests of justice that a reference should be made. The Commission will begin to exercise their statutory powers to review cases on 1st April 1999 by virtue of the Crime and Punishment (Scotland) Act 1997 (Commencement No. 5 and Transitional Provision and Savings) Order 1999 (S.I.1999/652).

This Order extends the Commission's remit to include convictions, sentences and findings in summary proceedings from 1st April 1999 and amends section 194B(1) of the 1995 Act accordingly.