

# ACT OF ADJOURNAL (CRIMINAL PROCEDURE RULES) 1996 SI 1996/513

## SCHEDULE 2

### CRIMINAL PROCEDURE RULES 1996

#### ***PART I Preliminary and administration***

#### **CHAPTER 3 COURT RECORDS**

##### **Books of Adjournal**

3.1 (1) The Edinburgh Book of Adjournal and the Book of Adjournal for cases heard outwith Edinburgh shall respectively contain—

- (a) in the case of a trial in the High Court—
  - (i) the record copy of the indictment;
  - (ii) the minute of proceedings prepared by the Clerk of Justiciary;
  - (iii) the relative printed list of assize;
- (b) in the case of a petition to the High Court—
  - (i) the record copy of the petition;
  - (ii) the minute of proceedings prepared by the Clerk of Justiciary.

(2) The Edinburgh Book of Adjournal shall contain the Acts of Adjournal.

(3) The minute of proceedings referred to in paragraph (1) shall be signed by the Clerk of Justiciary; and, on being so signed, shall have effect and shall be treated for all purposes, including extracts, as a true and sufficient record of the proceedings to which it relates.

##### **Form of minuting in solemn proceedings**

3.2 Subject to the provisions of any other enactment, the forms of minuting in solemn proceedings before the sheriff shall be in accordance with the forms used in the High Court.

##### **Interlocutors in High Court to be signed by clerk of court**

3.3 In the High Court, an interlocutor shall be distinctly minuted or entered in the record, and that entry shall be signed by the clerk of court.

##### **Record copies of indictments etc. to be inserted in record books**

3.4 (1) The record copies of indictments brought before the High Court, and the record copies of all printed proceedings in that court, shall be inserted in the books of adjournal, either at their proper place in the body of such books, or at the

end of the volume in which the relative procedure is recorded (in which case they shall be distinctly referred to as so appended); and the books of adjournal so made up and completed shall be and be taken to be and be used as the books of adjournal of that court.

(2) Where an indictment in solemn proceedings in a sheriff court is either wholly or partly printed, a copy of it, either wholly or partly printed, shall be inserted in the record book of court, either in its proper place in the body of that book or at the end of the volume in which the relative procedure is recorded (in which case it shall be distinctly referred to as so appended).

### **Form of recording warrants for remission of sentences**

3.5 The Clerk of Justiciary shall cause all warrants under the royal sign manual for remission of sentences received by him to be bound in volumes and indexed, and a note of each warrant referring to a High Court sentence shall be entered in the margin of the minute book opposite the case to which it relates.

### **Registers kept by High Court**

3.5A Any register kept by the High Court, whether or not under or by virtue of these Rules, may be kept either -

- (a) in documentary form; or
- (b) in electronic form (that is to say in a form accessible only by electronic means).

### **Custody and transmission of records**

3.6 (1) Subject to the following provisions of this rule, the records of the High Court shall, after the Keeper of the Records of Scotland and the Clerk of Justiciary have consulted as to what records or parts of them may first be destroyed as not being considered to have a value for legal purposes or for historical or other research, be transmitted to the Keeper of the Records of Scotland under arrangements to be agreed between him and the Clerk of Justiciary.

(2) The Clerk of Justiciary and the Keeper of the Records of Scotland shall arrange for such transmissions at intervals of not less than five years nor more than 10 years from the date of the immediately preceding transmission and after similar consultation, for such periods as may be deemed by them to be appropriate.

(3) The Lord Justice General or Lord Justice-Clerk may make a direction from time to time in relation to the retention, disposal, transmission or destruction by the Clerk of Justiciary of any document or category of document in the records of the High Court.