

HIGH COURT OF JUSTICIARY

PRACTICE NOTE

No. 2 of 2004

FORM OF OPINIONS AND NEUTRAL CITATION

Form of opinions

With effect from 1 January 2005 all opinions in the High Court of Justiciary and Court of Criminal Appeal will be issued with single spacing, paragraph numbering but no page numbers. In courts consisting of more than one judge the paragraph numbering will continue sequentially through each opinion and will not start again at the beginning of the second or any subsequent opinion. Indented paragraphs will not be given a number.

Neutral citation of cases

With effect from 1 January 2005 a form of neutral citation will be introduced in the High Court of Justiciary and Court of Criminal Appeal. A unique number will be given by the Deputy Principal Clerk of Justiciary to opinions issued by the High Court of Justiciary or the Court of Criminal Appeal. Opinions will be numbered in the following way:

High Court of Justiciary: [2005] HCJT 1 (2, 3 etc.)

Court of Criminal Appeal: [2005] HCJAC 1 (2, 3 etc.)

Under these new arrangements any particular paragraph of the case to be referred to will be cited in square brackets at the end of the neutral citation as follows:

Smith v Brown [2005] HCJAC 1 [12].

The neutral citation will be the official number attributed to the opinion by the court and must always be used on at least the first occasion when the case is cited and referred to in any later opinion. Once the case is reported the neutral citation will appear in front of the citation from the law report series.

Citation of cases in court

It is permissible to cite a case reported in a series of reports by means of a copy of a reproduction of the opinion in electronic form that has been authorised by the publisher of the relevant series, provided that the report is presented to the court in an easily legible form and that the advocate presenting the report is satisfied that it has been reproduced in an accurate form from the data source. In any case of doubt the court will rely on the printed text of the report unless the editor of the report has certified that the electronic version is more accurate because it corrects an error in an earlier printed text of the report.

For the avoidance of doubt, the High Court of Justiciary and Court of Criminal Appeal require that where a case has been reported in Justiciary Cases it must be cited from that source. Other series of reports may only be used when a case is not reported in Justiciary Cases.