

CRIMINAL COURTS

PRACTICE NOTE

No. 1 of 2008

Recording of Sentencing Discount

1. Judges, sheriffs and justices of the peace are reminded that, in all cases, where a discount is applied to a sentence under reference to the provisions of section 196 of the Criminal Procedure (Scotland) Act 1995, the fact that the sentence was discounted and the sentence that would otherwise have been imposed, but for the operation of section 196 of the 1995 Act, should be recorded in the court minutes.
2. The sentencing judge should take steps to ensure that the clerk of court makes an appropriate entry in the court minutes. All that the court minutes need record is that the sentence imposed was discounted in terms of section 196 of the 1995 Act and what the sentence would otherwise have been. An entry along the following lines would be sufficient: "The sentence imposed was discounted in terms of section 196 of the Criminal Procedure (Scotland) Act 1995 and would otherwise have been X".
3. While it is not necessary that the reasons for applying a particular level of discount are recorded in the court minutes, such reasons require to be provided by the sentencing judge in the event of any appeal.

LORD JUSTICE GENERAL
Edinburgh
22nd August 2008