

*These notes relate to the Criminal Procedure (Amendment) (Scotland)
Act 2004 (asp 5) which received Royal Assent on 4th June 2004*

CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 - Solemn Proceedings Generally

Section 16 - Uncontroversial evidence

141. **Section 16** of the Act introduces three new subsections (4A) to (4C) into section 258 of the 1995 Act. Subsections (4A) and (4B) provide that where a notice challenging a notice of uncontroversial evidence has been served the court may on the application of any party made not less than 48 hours before the preliminary hearing in the High Court or the first diet in the sheriff court direct that the challenge be disregarded for the purpose of section 258(4) of the 1995 Act if the court considers that the challenge is unjustified. Subsection (4C) provides that in proceedings in the High Court, the court may on cause shown allow an application under subsection (4B) to be made after the time limit specified therein.