

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Paragraph 16. (See end of Document for details)

SCHEDULE
FURTHER MODIFICATIONS OF THE 1995 ACT

- 16 In section 67 (witnesses)—
- (a) in subsection (3)—
 - (i) for “ten” substitute “ seven ”,
 - (ii) for “trial diet” in the first place where the expression occurs substitute “ preliminary hearing ”,
 - (iii) the words “at the trial diet” are repealed,
 - (b) after subsection (4) insert—
 - “(4A) The prosecutor shall have a duty to cite a witness included in the list only if—
 - (a) it has been ascertained under—
 - (i) in the case of proceedings in the High Court, section 72(6)(d); or
 - (ii) in the case of proceedings in the sheriff court, section 71(1C)(a),of this Act that the witness is required by the prosecutor or the accused to attend the trial; or
 - (b) where, in the case of proceedings in the High Court, the preliminary hearing has been dispensed with under subsection (1) of section 72B of this Act, the witness was identified in the application under that subsection as being required by the prosecutor or the accused to attend the trial.”,
 - (c) in subsection (5), after “accused” insert “by the relevant time.
(5A) In subsection (5) above, “the relevant time” means—
 - (a) where the case is to be tried in the High Court—
 - (i) not less than seven clear days before the preliminary hearing; or
 - (ii) such later time, before the jury is sworn to try the case, as the court may, on cause shown, allow;
 - (b) where the case is to be tried in the sheriff court,”.

Commencement Information

II Sch. para. 16 in force at 1.2.2005 by S.S.I. 2004/405, art. 2(1), sch. 1 (with arts. 3-5)

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