



Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

PART 2

SOLEMN PROCEEDINGS GENERALLY

16 Uncontroversial evidence

In section 258 (uncontroversial evidence) of the 1995 Act, after subsection (4) insert—

“(4A) Where a notice is served under subsection (3) above in any solemn proceedings, the court may, on the application of any party to the proceedings made not less than 48 hours before the relevant diet, direct that any challenge in the notice to any fact is to be disregarded for the purposes of subsection (4) above if the court considers the challenge to be unjustified.

(4B) In subsection (4A) above, “the relevant diet” means—

- (a) in proceedings in the High Court, the preliminary hearing; and
- (b) in proceedings in the sheriff court, the first diet.

(4C) In proceedings in the High Court, the Court may, on cause shown, allow an application under subsection (4A) above to be made after the time limit specified in that subsection.”.