



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 2

PROCEEDINGS

Miscellaneous

37 Recovery of documents

After section 301 of the 1995 Act there is inserted—

“Recovery of documents

301A Recovery of documents

- (1) It is competent for the sheriff court to make, in connection with any criminal proceedings mentioned in subsection (2) below, the orders mentioned in subsection (3) below.
- (2) The proceedings are—
 - (a) solemn proceedings in that sheriff court;
 - (b) summary proceedings—
 - (i) in that sheriff court;
 - (ii) in any JP court in that sheriff court’s district.
- (3) The orders are—
 - (a) an order granting commission and diligence for the recovery of documents;
 - (b) an order for the production of documents.
- (4) An application for the purpose may not be made—

Status: This is the original version (as it was originally enacted).

- (a) in connection with solemn proceedings, until the indictment has been served on the accused or the accused has been cited under section 66(4) (b) of this Act;
 - (b) in connection with summary proceedings, until the accused has answered the complaint.
- (5) A decision of the sheriff on an application for an order under subsection (1) above may be appealed to the High Court.
- (6) In an appeal under subsection (5) above, the High Court may uphold, vary or quash the decision of the sheriff.
- (7) The prosecutor is entitled to be heard in any—
 - (a) application for an order under subsection (1) above;
 - (b) appeal under subsection (5) above,even if the prosecutor is not a party to the application or (as the case may be) appeal.
- (8) The competence of the High Court to make, in connection with criminal proceedings, the orders mentioned in subsection (3) above is restricted to making them in connection with proceedings in that court.”.