



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 4

### EVIDENCE

#### 85 Witness statements: use during trial

- (1) The 1995 Act is amended as follows.
- (2) After section 261 insert—

*“Witness statements*

#### **261A Witness statements: use during trial**

- (1) Subsection (2) applies where—
  - (a) a witness is giving evidence in criminal proceedings,
  - (b) the witness has made a prior statement,
  - (c) the prosecutor has seen or has been given an opportunity to see the statement, and
  - (d) the accused (or a solicitor or advocate acting on behalf of the accused in the proceedings) has seen or has been given an opportunity to see the statement.
- (2) The court may allow the witness to refer to the statement while the witness is giving evidence.”.
- (3) In section 262 (construction of sections 259 to 261 of Act)—
  - (a) in the title, for “261” substitute “261A”,
  - (b) in each of subsections (1) to (4), for “261” substitute “261A”, and
  - (c) in subsection (3)—
    - (i) in the definition of “criminal proceedings”, after “include” insert “(other than in section 261A)”, and

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*Status: This is the original version (as it was originally enacted).*

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(ii) in the definition of “made”, after “includes” insert “(other than in section 261A)”.