



Criminal Procedure (Scotland) Act 1995

CHAPTER 46

CRIMINAL PROCEDURE (SCOTLAND) ACT 1995

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227 Caution.

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- 227ZG Restricted movement requirements: further provision
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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Criminal Procedure (Scotland) Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Criminal Procedure (Scotland) Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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- 1B Any offence under section 19 (sexual assault on a young...
- 1C Any offence under section 20 (sexual assault on a young...
- 1D Any offence under section 42 of that Act (sexual abuse...
- 2 Any offence under section 12, 15, 22 or 33 of...
- 2A Any offence under the Prohibition of Female Genital Mutilation (Scotland)...
- 2B Any offence under section 52 or 52A of the Civic...
- 2C Any offence under section 1, 9, 10, 11 or 12...
- 3 Any other offence involving bodily injury to a child under...
- 4 Any offence involving the use of lewd, indecent or libidinous...
- 4A Any offence under section 5 (coercing a person into being...
- 4B Any offence under any of sections 21 to 26 or...

SCHEDULE 2 — Examples of Indictments

- “A.B.(name and address, that given in the declaration being sufficient),...
- “..... You did rob Charles Doyle, a cattle dealer, of...
- “..... You did break into the house occupied by Andrew...
- “..... You did force open (or attempt to force open)...
- “..... You did place your hand in one of the...
- “..... You did assault Lewis Mann, station-master of Earlston, and...
- “..... You did, while in the employment of James Pentland,...
- “..... You did, while acting as commercial traveller to Brown...
- “..... You did pretend to Norah Omond, residing there, that...
- “..... You did reset a watch and chain, pocket book...
- “..... You did utter as genuine a bill, on which...
- “..... You did utter as genuine a letter bearing to...
- “..... You did utter a cheque signed by Henry Smith...
- “..... You did, when examined under section 45 of the...
- “..... You did, sequestration having been awarded on your estate...
- “..... You did set fire to a warehouse occupied by...
- “..... You did set fire to the shop in Brown...
- “..... You did assault Theresa Unwin, your wife, and did...
- “..... You did stab Thomas Underwood, baker, of Shiels Place,...
- “..... You did administer poison to Vincent Wontner, your son,...

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- “..... You did strangle Mary Shaw, mill-worker, daughter of John...
- “..... You were delivered of a child now dead or...
- “..... You did assault Hector Morrison, carter, of 20 Buccleuch...
- “..... You did ravish Harriet Cowan, mill-worker, of 27 Tweed...
- “..... You did attempt to ravish Jane Peters, servant, at...
- “..... You did, when acting as railway signalman, cancel a...
- “..... You formed part of a riotous mob, which, acting...
- “..... You did, being the lawful husband of Helen Hargreaves,...
- “..... You being sworn as a witness in a civil...
- “..... You did suborn James Carruthers, scavenger, 12 Hercules Street,...
- “..... You did deforce John Macdonald, a sheriff officer of...

SCHEDULE 3 — Indictments and Complaints

- 1 An accused may be named and designed—
- 2 It shall not be necessary to specify by any nomen...
- 3 It shall not be necessary to allege that any act...
- 4 (1) The latitude formerly used in stating time shall be...
- 5 The word “money” shall include cheques, banknotes, postal orders, money...
- 6 Any document referred to shall be referred to by a...
- 7 In an indictment which charges a crime importing personal injury...
- 8 (1) In an indictment or a complaint charging the resetting...
- 9 (1) Where two or more crimes or acts of crime...
- 10 (1) Under an indictment or, as the case may be,...
- 11 In an indictment or complaint charging a contravention of an...
- 12 In a complaint charging a contravention of an enactment—
- 13 In the case of an offence punishable under any enactment,...
- 14 Where— (a) any act alleged in an indictment or complaint...
- 15 Where the evidence in a trial is sufficient to prove...
- 16 Where, in relation to an offence created by or under...
- 17 It shall be competent to include in one indictment or...
- 18 In any proceedings under the Merchant Shipping Acts it shall...
- 19 In offences inferring dishonest appropriation of property brought before a...

SCHEDULE 4 — Supervision and Treatment Orders

Part I — PRELIMINARY

- 1 (1) In this Schedule “supervision and treatment order” means an...

Part II — MAKING AND EFFECT OF ORDERS

Circumstances in which orders may be made

- 2 (1) The court shall not make a supervision and treatment...

Making of orders and general requirements

- 3 (1) A supervision and treatment order shall specify the local...

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Obligatory requirements as to medical treatment

4 (1) A supervision and treatment order shall include a requirement...

Optional requirements as to residence

5 (1) Subject to sub-paragraphs (2) to (4) below, a supervision...

Part III — REVOCATION AND AMENDMENT OF ORDERS

Revocation of order in interests of health or welfare

6 Where a supervision and treatment order is in force in...

Amendment of order by reason of change of residence

7 (1) This paragraph applies where, at any time while a...

Amendment of requirements of order

8 (1) Without prejudice to paragraph 7 above, but subject to...

Amendment of requirements in pursuance of medical report

9 (1) Where the medical practitioner by whom or under whose...

Supplemental

10 (1) On the making under paragraph 6 above of an...

11 (1) On the making under paragraph 7 or 8 above...

12 On the making, revocation or amendment of a supervision and...

SCHEDULE 5 — Forms of Complaint and Charges

The following Forms are additional to those contained in Schedule...

You did assault A.L. and strike him with your fists...

You did conduct yourself in a disorderly manner and commit...

You did threaten violence to the lieges and commit a...

You did fight and commit a breach of the peace...

You did publicly expose your person in a shameless and...

You did obtain from A.N. board and lodging to the...

You did maliciously knock down 20 metres of the coping...

You did maliciously place a block of wood on the...

You did drive a horse and cart recklessly to the...

You did break into a poultry house and steal three...

You did steal a coat which you obtained from R.O....

having received from D.G. £6 to hand to E.R., you...

having received from G.R. a watch in loan, you did...

having found a watch, you did, without trying to discover...

You did acquire from K.O., a private in the Third...

You, being a person whose estate has been sequestrated, did...

You, being the occupier of the said house, did use...

You did frequent and loiter in the said street for...

You did assault L.S., a constable of the Police, while...

.....

You did wilfully neglect your children K.I., aged seven years;...

You are the owner of a dog which is dangerous...

You, being a parent of D.U., a child of school...

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.....

 You did sell and deliver to N.C. to his prejudice...
 You did take part in gaming in the street contrary...
 You did by night enter on the said land with...
 You did by night unlawfully take six rabbits, contrary to,...
 You did in the daytime trespass on the said land...
 You were found in the possession of five hares, a...
 You did present or cause to be presented to W.E.,...

 You did drive a motor car recklessly contrary to section...
 You did act as a pedlar without having obtained a...

 You did travel in a railway carriage without having previously...
 having on within the house No. Street, given birth to...
 You did take two salmon during the annual close time...
 You had in your possession for use for trade a...

Schedule 5A — Offences for the purposes of section 205A of this Act

Part I — QUALIFYING OFFENCES

- 1 Culpable homicide.
- 2 Attempted murder, incitement to commit murder or conspiracy to commit...
- 3 Rape or attempted rape.
- 4 Clandestine injury to women or an attempt to cause such...
- 5 Sodomy or attempted sodomy where, in either case, the complainer,...
- 6 Assault, where the assault— (a) is aggravated because it was...
- 7 Robbery, where, at some time during the commission of the...
- 8 Any offence committed by contravention of— (a) section 16 (possession...
- 9 Lewd, indecent or libidinous behaviour or practices.
- 10 Any offence committed by contravention of section 5(1) of the...

Part II — RELEVANT OFFENCES

- 11 Any of the following offences committed in England and Wales,...
- 12 Any of the following offences committed in Northern Ireland, namely
—...

Part III — INTERPRETATION

- 13 In paragraphs 7 and 11(h) above “firearm” and...

SCHEDULE 6 —

Discharge

- 1 A probation order may on the application of the officer...

Amendment

- 2 (1) If the court by which a probation order was...
- 3 (1) Without prejudice to paragraph 2 above, the court by...
- 4 Where the medical practitioner or registered psychologist by whom or...

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General

- 5 (1) Where the court which made the order or the...
6 On the making of an order discharging or amending a...

SCHEDULE 7 —

- 1 (1) A court shall not make a supervised attendance order...
2 (1) A supervised attendance order shall— (a) specify the locality...
3 (1) An offender in respect of whom a supervised attendance...
4 (1) If at any time while a supervised attendance order...
5 (1) Where a supervised attendance order is in force in...
6 (1) The Secretary of State may make rules for regulating...
7 The Secretary of State shall lay before Parliament each year,...
8 In this Schedule— “the appropriate court” in relation to a...

SCHEDULE 8 — Documentary Evidence in Criminal Proceedings

Production of copy documents

- 1 (1) For the purposes of any criminal proceedings a copy...

Statements in business documents

- 2 (1) Except where it is a statement such as is...
3 A statement in a document shall be admissible in criminal...

Documents kept by businesses etc.

- 4 Unless the court otherwise directs, a document may in any...

Statements not contained in business documents

- 5 (1) In any criminal proceedings, the evidence of an authorised...

Additional evidence where evidence from business documents challenged

- 6 (1) This sub-paragraph applies where— (a) evidence has been
admitted...

General

- 7 (1) Nothing in this Schedule— (a) shall prejudice the admissibility...
8 In this Schedule— “business” includes trade, profession or other
occupation;...

SCHEDULE 9 — Certificates as to Proof of Certain Routine Matters

SCHEDULE 9A — The Commission: Further Provisions

Membership

- 1 Her Majesty shall, on the recommendation of the Secretary of...
2 (1) Subject to the following provisions of this paragraph, a...

Members and employees

- 3 (1) The Commission shall— (a) pay to members of the...

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- 4 (1) The Commission may appoint a chief executive and such...
 5 The Commission shall pay to the Minister for the Civil...

Procedure

- 6 (1) The arrangements for the procedure of the Commission (including...

Evidence

- 7 A document purporting to be— (a) duly executed under the...

Annual reports and accounts

- 8 (1) As soon as possible after the end of each...
 9 (1) The Commission shall— (a) keep proper accounts and proper...
 10 For the purposes of this Schedule the Commission's financial year...

Expenses

- 11 The Secretary of State shall defray the expenses of the...

SCHEDULE 10 — Certain Offences Triable only Summarily

Night Poaching Act 1828 (c. 69)

- 1 Offences under section 1 of the Night Poaching Act 1828...

Public Meeting Act 1908 (c.66)

- 2 Offences under section 1(1) of the Public Meeting Act 1908...

Post Office Act 1953 (c. 36)

- 3

Betting, Gaming and Lotteries Act 1963 (c. 2)

- 4 Offences under the following provisions of the Betting, Gaming and...

Theatres Act 1968 (c.54)

- 5 Offences under section 6 of the Theatres Act 1968 (provocation...

Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)

- 6 Offences under section 12(1) of the Criminal Law (Consolidation) (Scotland)...

SCHEDULE 11 — FINANCIAL PENALTIES SUITABLE FOR ENFORCEMENT IN SCOTLAND

Person residing in Scotland

- 1 The financial penalty is suitable for enforcement in Scotland if...

Person having property etc. in Scotland

- 2 The financial penalty is suitable for enforcement in Scotland if—...

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Person having property etc. in Scotland and England and Wales

- 3 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in Scotland and Northern Ireland

- 4 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in Scotland and England and Wales and Northern Ireland

- 5 (1) This paragraph applies if— (a) the certificate states that...

Interpretation

- 6 Where the person required to pay the financial penalty is...
7 In this Schedule, unless the context otherwise requires, references to...

SCHEDULE 12 — GROUNDS FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES

PART 1 — THE GROUNDS FOR REFUSAL

- 1 A penalty (of any kind) has been imposed on the...
2 A penalty (of any kind) has been imposed on the...
3 The decision was made in respect of conduct—
4 The decision to which the financial penalty relates was made...
5 The decision to which the financial penalty relates was made...
6 The certificate does not confirm that— (a) if the proceedings...
7 (1) The financial penalty is for an amount of less...

PART 2 — EUROPEAN FRAMEWORK LIST (FINANCIAL PENALTIES)

- 8 Participation in a criminal organisation.
9 Terrorism.
10 Trafficking in human beings.
11 Sexual exploitation of children and child pornography.
12 Illicit trafficking in narcotic drugs and psychotropic substances.
13 Illicit trafficking in weapons, munitions and explosives.
14 Corruption.
15 Fraud, including that affecting the financial interests of the European...
16 Laundering of the proceeds of crime.
17 Counterfeiting currency, including of the euro.
18 Computer-related crime.
19 Environmental crime, including illicit trafficking in endangered animal species and...
20 Facilitation of unauthorised entry and residence.
21 Murder, grievous bodily injury.
22 Illicit trade in human organs and tissue.
23 Kidnapping, illegal restraint and hostage-taking.
24 Racism and xenophobia.
25 Organised or armed robbery.
26 Illicit trafficking in cultural goods, including antiques and works of...
27 Swindling.
28 Racketeering and extortion.
29 Counterfeiting and piracy of products.
30 Forgery of administrative documents and trafficking therein.
31 Forgery of means of payment.
32 Illicit trafficking in hormonal substances and other growth promoters.
33 Illicit trafficking in nuclear or radioactive materials.

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- 34 Trafficking in stolen vehicles.
 - 35 Rape.
 - 36 Arson.
 - 37 Crimes within the jurisdiction of the International Criminal Court.
 - 38 Unlawful seizure of aircraft or ships.
 - 39 Sabotage.
 - 40 Conduct which infringes road traffic regulations, including breaches of regulations...
 - 41 Smuggling of goods.
 - 42 Infringements of intellectual property rights.
 - 43 Threats and acts of violence against persons, including violence during...
 - 44 Criminal damage.
 - 45 Theft.
 - 46 Offences created by the issuing State and serving the purpose...
- PART 3 — INTERPRETATION
- 47 (1) In this Schedule— (a) “conduct” includes any...

— TABLE OF DERIVATIONS

- 1 *Notes:*
- 2 The following abbreviations are used in the Table:— Acts of...

Changes to legislation:

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Changes and effects yet to be applied to :

- Pt. 10 extended by 2011 c. 23 Sch. 3 para. 4(4)(e)
- s. 14(2)-(10) applied (with modifications) by 1994 c. 33 s. 138(2)(2A)(6)-(9) (as substituted) by S.I. 2011/1739 Sch. 2 para. 2(3)(4)
- s. 14A 14B applied (with modifications) by 1994 c. 33 s. 138(2)(2A)(6)-(9) (as substituted) by S.I. 2011/1739 Sch. 2 para. 2(3)(4)
- s. 15 applied (with modifications) by 1994 c. 33 s. 138(1A) (as inserted) by S.I. 2011/1739 Sch. 2 para. 2(2)
- s. 15(1)(2) applied (with modifications) by 1994 c. 33 s. 138(2)(2A)(6)-(9) (as substituted) by S.I. 2011/1739 Sch. 2 para. 2(3)(4)
- s. 15(4)-(6) applied (with modifications) by 1994 c. 33 s. 138(2)(2A)(6)-(9) (as substituted) by S.I. 2011/1739 Sch. 2 para. 2(3)(4)
- s. 15A(2)-(9) applied (with modifications) by 1994 c. 33 s. 138(1B) (as inserted) by S.I. 2011/1739 Sch. 2 para. 2(2)
- s. 15A(2)-(9) applied (with modifications) by 1994 c. 33 s. 138(2)(2A)(6)-(9) (as substituted) by S.I. 2011/1739 Sch. 2 para. 2(3)(4)
- s. 18 applied (with modifications) by 1994 c. 33 s. 138(2)(2A)(6)-(9) (as substituted) by S.I. 2011/1739 Sch. 2 para. 2(3)(4)
- s. 19C(1)(a) words inserted by S.I. 2011/2298 Sch. para. 1(a)
- s. 19C(1)(b) words inserted by S.I. 2011/2298 Sch. para. 1(a)
- s. 19C(2)(a) word omitted by S.I. 2011/2298 Sch. para. 1(b)(i)
- s. 19C(2)(c)-(d) inserted by S.I. 2011/2298 Sch. para. 1(b)(ii)
- s. 19C(6)(b) word omitted by S.I. 2011/2298 Sch. para. 1(c)(i)
- s. 19C(6)(d) and word inserted by S.I. 2011/2298 Sch. para. 1(c)(ii)
- s. 57A(16) text amended by S.S.I. 2011/211 Sch. 1 para. 7
- s. 65(4)(aa)(b) applied by 2011 asp 16 s. 6(7)s. 6(8)(a)
- s. 65(4A)-(9) applied by 2011 asp 16 s. 6(7)s. 6(8)(a)
- s. 69(7)(c) inserted by 2011 asp 6 s. 40(3)(a)
- s. 70 applied (with modifications) by S.I. 2011/2936 reg. 16(2)(c)
- s. 75B title substituted by S.S.I. 2011/430 s. 2(3)
- s. 94(2AA)(2B) inserted by 2011 asp 16 Sch. para. 7
- s. 101(10)(c) inserted by 2011 asp 6 s. 40(3)(b)(i)
- s. 101(11) text amended by 2011 asp 6 s. 40(3)(b)(ii)
- s. 101(11)(d) inserted by 2011 asp 6 s. 40(3)(b)(ii)
- s. 106 extended by 2011 c. 23 Sch. 3 para. 4(3)(c)
- s. 107(2A) inserted by 2011 asp 16 Sch. para. 8
- s. 109(1A)(1B) inserted by 2011 asp 16 Sch. para. 9
- s. 110(3A) inserted by 2011 asp 16 Sch. para. 10
- s. 113(1) text amended by 2011 asp 16 Sch. para. 11(a)
- s. 113(1A)-(1D) inserted by 2011 asp 16 Sch. para. 11(b)
- s. 113(3) text amended by 2011 asp 16 Sch. para. 11(c)
- s. 118(1A) inserted by 2011 asp 16 Sch. para. 12
- s. 121 excluded by 2011 asp 16 s. 11(9)
- s. 136(3) applied by S.S.I. 2011/416 Sch. 2 para. 9(2)
- s. 136(3) applied by S.I. 2011/1086 reg. 15(3)(b)
- s. 136(3) applied by S.I. 2011/1094 reg. 15(3)(b)
- s. 136(3) applied by S.I. 2011/1129 reg. 15(3)(b)
- s. 136(3) applied by S.I. 2011/1244 reg. 15(3)(b)
- s. 136(3) applied by S.I. 2011/1893 reg. 15(3)(b)
- s. 136(3) applied by S.I. 2011/2742 reg. 15(3)(b)
- s. 136(3) applied by S.I. 2011/605 reg. 15(3)(b)
- s. 136(3) applied by SI 2011/605 art. 20 (as inserted) by S.I. 2011/548 art. 15(3)(b)

- s. 136(3) savings for effects of SI 2011/548 art. 15(3)(b) by SI 2011/548 art. 19 (as inserted) by [S.I. 2011/605 reg. 20](#)
- s. 137ZA title substituted by [S.S.I. 2011/430 s. 2\(5\)](#)
- s. 143 applied (with modifications) by [S.I. 2011/2936 reg. 16\(2\)\(c\)](#)
- s. 147 applied by [2011 asp 16 s. 6\(7\)s. 6\(8\)\(b\)](#)
- s. 166(10)(c) inserted by [2011 asp 6 s. 40\(3\)\(c\)\(i\)](#)
- s. 166(11) text amended by [2011 asp 6 s. 40\(3\)\(c\)\(ii\)](#)
- s. 166(11)(d) and word inserted by [2011 asp 6 s. 40\(3\)\(c\)\(ii\)](#)
- s. 178(1A) inserted by [2011 asp 16 Sch. para. 14](#)
- s. 179(11) inserted by [2011 asp 16 Sch. para. 15](#)
- s. 183(1A) inserted by [2011 asp 16 Sch. para. 16](#)
- s. 193 excluded by [2011 asp 16 s. 11\(9\)](#)
- s. 227N(1)(b) text amended by [S.S.I. 2011/25 Sch. para. 1\(2\)\(a\)](#)
- s. 227N(1A) inserted by [S.S.I. 2011/25 Sch. para. 1\(2\)\(b\)](#)
- s. 227N(5) text amended by [S.S.I. 2011/25 Sch. para. 1\(2\)\(c\)](#)
- s. 227ZC(9A) inserted by [S.S.I. 2011/25 Sch. para. 1\(3\)](#)
- s. 234(4)-(11) repealed by [S.I. 2011/2298 Sch. para. 7\(a\)](#)
- s. 244 repealed by [S.I. 2011/2298 Sch. para. 7\(b\)](#)
- s. 247(1) excluded by [2011 asp 16 s. 1\(1\)s. 1\(4\)\(a\)](#)
- s. 307(1) text amended by [2011 c. 5 Sch. 12 para. 146](#)
- s. 309(4) words inserted by [S.I. 2011/2298 Sch. para. 8](#)
- s. 309(5) words inserted by [S.I. 2011/2298 Sch. para. 9](#)

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Blanket amendment text amended by [S.I. 2011/1043 art. 3 4](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75C inserted by [S.S.I. 2011/430 s. 2\(2\)](#)
- s. 137ZB inserted by [S.S.I. 2011/430 s. 2\(4\)](#)
- s. 176A inserted by [2011 asp 16 Sch. para. 13](#)
- s. 227ZO inserted by [S.I. 2011/2298 Sch. para. 5](#)
- Sch. 13 inserted by [S.I. 2011/2298 Sch. para. 6](#)

Commencement Orders yet to be applied to the Criminal Procedure (Scotland) Act 1995:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/1632 reg. 22](#) amendment to earlier commencing SI 2007/2194 Sch. 3 para. 23A (as inserted by SI 2007/3495 Sch. 5 para. 2(5))
- [S.I. 2011/1418 art. 2](#) commences (2010 c. 23)
- [S.I. 2011/2329 art. 2 3](#) commences (2011 c. 5)
- [S.S.I. 2011/31 art. 5](#) amendment to earlier commencing SSI 2008/115 and SSI 2009/67 and SSI 2009/369
- [S.S.I. 2011/157 art. 2](#) commences (2007 asp 14)
- [S.S.I. 2011/178 art. 2](#) commences (2010 asp 13)
- [S.S.I. 2011/188 art. 2](#) commences (2007 asp 6)
- [S.S.I. 2011/365 art. 3](#) commences (2011 asp 16)