



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

[^{F1}Expert evidence as to subsequent behaviour of complainer

Textual Amendments

- F1** S. 275C and preceding cross-heading inserted (1.4.2005) by [Vulnerable Witnesses \(Scotland\) Act 2004](#) (asp 3), [ss. 5, 25](#); [S.S.I. 2005/168](#), [art. 2](#), [Sch.](#) (with savings in [art. 4](#))

275C Expert evidence as to subsequent behaviour of complainer in certain cases

- (1) This section applies in the case of proceedings in respect of any—
- ^{F2}(a) [offence to which section 288C of this Act applies,
 - ^{F3}(b) [an offence under section 1(1) of the Domestic Abuse (Scotland) Act 2018,
 - (c) an offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.]
- (2) Expert psychological or psychiatric evidence relating to any subsequent behaviour or statement of the complainer is admissible for the purpose of rebutting any inference adverse to the complainer's credibility or reliability as a witness which might otherwise be drawn from the behaviour or statement.
- (3) In subsection (2) above—
- “complainer” means the person against whom the offence to which the proceedings relate is alleged to have been committed,
 - “subsequent behaviour or statement” means any behaviour or statement subsequent to, and not forming part of the acts constituting, the offence to

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Cross Heading: Expert evidence as to subsequent behaviour of complainer is up to date with all changes known to be in force on or before 14 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

which the proceedings relate and which is not otherwise relevant to any fact in issue at the trial.

[Where the offence is as referred to in subsection (1)(b) above, the reference in the ^{F4}(3A) last definition in subsection (3) above to any behaviour or statement subsequent to the offence includes any behaviour or statement subsequent to a particular part of the course of behaviour of which the offence consists.]

(4) This section does not affect the admissibility of any evidence which is admissible otherwise than by virtue of this section.]

Textual Amendments

- F2** S. 275(1)(a): words in s. 275C(1) renumbered as s. 275C(1)(a) (1.4.2019) by [Domestic Abuse \(Scotland\) Act 2018 \(asp 5\)](#), s. 15(2), **sch. para. 7(2)(a)(i)**; S.S.I. 2018/387, reg. 2 (with reg. 7)
- F3** S. 275C(1)(b)(c) inserted (1.4.2019) by [Domestic Abuse \(Scotland\) Act 2018 \(asp 5\)](#), s. 15(2), **sch. para. 7(2)(a)(ii)**; S.S.I. 2018/387, reg. 2 (with reg. 7)
- F4** S. 275C(3A) inserted (1.4.2019) by [Domestic Abuse \(Scotland\) Act 2018 \(asp 5\)](#), s. 15(2), **sch. para. 7(2)(b)**; S.S.I. 2018/387, reg. 2 (with reg. 7)

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Cross Heading: Expert evidence as to subsequent behaviour of complainer is up to date with all changes known to be in force on or before 14 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- 136(3) applied by S.I. 2019/1145 reg. 34(4)(a)

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

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

- s. 5A inserted by 2010 asp 13 Sch. 7 para. 26
- s. 13(1B)(1C) inserted by 2006 asp 10 s. 82(2)
- s. 13(2)(aa) inserted by 2006 asp 10 s. 82(3)(b)
- s. 13(3A) inserted by 2006 asp 10 s. 82(4)
- s. 13(5)(ba) inserted by 2006 asp 10 s. 82(5)(a)
- s. 13(6)(a)(iii) and word inserted by 2006 asp 10 s. 82(6)(b)
- s. 13(8) inserted by 2006 asp 10 s. 82(7)
- s. 18GA inserted by 2019 c. 3 Sch. 2 para. 8
- s. 22(5A) inserted by 2007 asp 6 s. 7(2)(g)
- s. 73A inserted by 2004 asp 3 s. 2(3)
- s. 167(7D)(7E) inserted by 2007 asp 17 sch. 4 para. 1(3)
- s. 167(7D) words substituted by 2010 asp 13 Sch. 3 para. 16(2)
- s. 167(7E) words substituted by 2010 asp 13 Sch. 3 para. 16(3)
- s. 194ZA repealed by 2014 asp 18 sch. 3 para. 25
- s. 200A inserted by 2016 asp 1 s. 85
- s. 205A added by 1997 c. 48 s. 1(1) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 209(7B) inserted by 2019 asp 14 Sch. 1 para. 1(2)
- s. 227A(2)(j) inserted by 2019 asp 14 Sch. 1 para. 2(2)
- s. 227G(2)(b)(viii) and word inserted by 2019 asp 14 Sch. 1 para. 2(3)(a)(iii)
- s. 227G(4A) inserted by 2019 asp 14 Sch. 1 para. 2(3)(c)
- s. 227ZE(A1) inserted by 2019 asp 14 Sch. 1 para. 2(4)(a)
- s. 227ZG(2)(aa) inserted by 2019 asp 14 Sch. 1 para. 5(2)(b)
- s. 227ZH(2)(aa) inserted by 2019 asp 14 Sch. 1 para. 5(3)(b)
- s. 245A(6)(a)(ia) inserted by 2019 asp 14 Sch. 1 para. 5(4)(b)
- s. 245E(4A)(a)(ia) inserted by 2019 asp 14 Sch. 1 para. 5(5)(a)(ii)
- s. 245DA inserted by 2019 asp 14 Sch. 1 para. 4(2)
- s. 249(4A)-(4D) inserted by 2014 asp 1 s. 24
- s. 253A-253E and cross-heading inserted by 2014 asp 1 s. 25
- s. 253A(2) applied by 2002 c. 29, s. 97A(9) (as inserted) by 2015 c. 9 s. 15(2)
- s. 271B(4A) inserted by 2019 asp 8 s. 2(2)(a)
- s. 271B(7) inserted by 2019 asp 8 s. 2(2)(b)
- s. 271D(3A)-(3C) inserted by 2019 asp 8 s. 4(2)
- s. 271D(4A) inserted by 2019 asp 8 s. 6(4)
- s. 271D(6A) inserted by 2019 asp 8 s. 5(8)
- s. 271F(2)(aa) inserted by 2019 asp 8 s. 10(4)
- s. 271I(1ZA)-(1ZD) inserted by 2019 asp 8 s. 5(2)
- s. 271I(4A) inserted by 2019 asp 8 s. 5(4)
- s. 271AA inserted by 2019 asp 8 s. 6(2)
- s. 271BZA-271BZC inserted by 2019 asp 8 s. 1(2)
- s. 271BZD inserted by 2019 asp 8 s. 3(2)

- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)