



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

Routine evidence

280 Routine evidence.

- (1) For the purposes of any proceedings for an offence under any of the enactments specified in column 1 of Schedule 9 to this Act, a certificate purporting to be signed by a person or persons specified in column 2 thereof, and certifying the matter specified in column 3 thereof shall, subject to subsection (6) below, be sufficient evidence of that matter and of the qualification or authority of that person or those persons.
- (2) The Secretary of State may by order—
 - (a) amend or repeal the entry in Schedule 9 to this Act in respect of any enactment; or
 - (b) insert in that Schedule an entry in respect of a further enactment.
- (3) An order under subsection (2) above may make such transitional, incidental or supplementary provision as the Secretary of State considers necessary or expedient in connection with the coming into force of the order.
- (4) For the purposes of any criminal proceedings, a report purporting to be signed by two authorised forensic scientists shall, subject to subsection (5) below, be sufficient evidence of any fact or conclusion as to fact contained in the report and of the authority of the signatories.
- (5) A forensic scientist is authorised for the purposes of subsection (4) above if—
 - (a) he is authorised for those purposes by the Secretary of State; or
 - (b) he—
 - ^{F1}(i)

Status: Point in time view as at 16/08/2013.

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- (ii) possesses such qualifications and experience as the Secretary of State may for the purposes of that subsection by order prescribe; and
^{F1}(iii)
- (6) Subsections (1) and (4) above shall not apply to a certificate or, as the case may be, report tendered on behalf of the prosecutor or the accused—
- (a) unless a copy has been served on the other party not less than fourteen days before
^{F2}(i) in the case of proceedings in the High Court, the preliminary hearing;
(ii) in any other case,]
the trial; or
- (b) where the other party, not more than seven days after the date of service of the copy on him under paragraph (a) above or by such later time as the court may in special circumstances allow, has served notice on the first party that [^{F3}he] challenges the matter, qualification or authority mentioned in subsection (1) above or as the case may be the fact, conclusion or authority mentioned in subsection (4) above.
- (7) A copy of a certificate or, as the case may be, report required by subsection (6) above, to be served on the accused or the prosecutor or of a notice required by that subsection or by subsection (1) or (2) of section 281 of this Act to be served on the prosecutor shall be served in such manner as may be prescribed by Act of Adjournal; and a written execution purporting to be signed by the person who served such certificate or notice, together with, where appropriate, the relevant post office receipt shall be sufficient evidence of service of such a copy.
- (8) Where, following service of a notice under subsection (6)(b) above, evidence is given in relation to a report referred to in subsection (4) above by both of the forensic scientists purporting to have signed the report, the evidence of those forensic scientists shall be sufficient evidence of any fact (or conclusion as to fact) contained in the report.
- (9) At any trial of an offence it shall be presumed that the person who appears in answer to the complaint is the person charged by the police with the offence unless the contrary is alleged.
- (10) An order made under subsection (2) or (5)(b)(ii) above shall be made by statutory instrument.
- (11) No order shall be made under subsection (2) above unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (12) A statutory instrument containing an order under subsection (5)(b)(ii) above shall be subject to annulment pursuant to a resolution of either House of Parliament.

Textual Amendments

- F1** S. 280(5)(b)(i)(iii) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Words in s. 280(6)(a) inserted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 48](#); S.S.I. 2004/405, [art. 2](#), Sch. 1 (with savings in arts. 3-5)
- F3** Word in s. 280(6)(b) substituted (1.8.1997) by 1997 c. 48, s. 62(1), [Sch. 1 para. 21\(32\)](#); S.I. 1997/1712, art. 3, [Sch.](#) (subject to arts. 4, 5)

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281 Routine evidence: autopsy and forensic science reports.

- (1) Where in a trial an autopsy report is lodged as a production by the prosecutor it shall be presumed that the body of the person identified in that report is the body of the deceased identified in the indictment or complaint, unless the accused not less than
 - [^{F4}(i) in the case of proceedings in the High Court, seven days before the preliminary hearing;
 - (ii) in any other case, six days before the trial;or (in either case)] by such later time before the trial as the court may in special circumstances allow, gives notice that the contrary is alleged.
- (2) At the time of lodging an autopsy or forensic science report as a production the prosecutor may intimate to the accused that it is intended that only one of the pathologists or forensic scientists ^{F5} . . . purporting to have signed the report shall be called to give evidence in respect thereof; and [^{F6}, where such intimation is given,] the evidence of [^{F7}one of those pathologists or forensic scientists] shall be sufficient evidence of any fact or conclusion as to fact contained in the report and of the qualifications of the signatories, unless the accused, not less than
 - [^{F8}(i) in the case of proceedings in the High Court, seven days before the preliminary hearing;
 - (ii) in any other case, six days before the trial;or (in either case)] by such later time before the trial as the court may in special circumstances allow, serves notice on the prosecutor that he requires the attendance at the trial of the other pathologist or forensic scientist also.
- (3) Where, following service of a notice by the accused under subsection (2) above, evidence is given in relation to an autopsy or forensic science report by both of the pathologists or forensic scientists purporting to have signed the report, the evidence of those pathologists or forensic scientists shall be sufficient evidence of any fact (or conclusion as to fact) contained in the report.

Textual Amendments

- F4** Words in s. 281(1) substituted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 49\(a\)](#); S.S.I. 2004/405, [art. 2\(1\)](#), Sch. 1 (with savings in arts. 3-5)
- F5** Words in s. 281(2) repealed (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 49\(b\)\(i\)](#); S.S.I. 2004/405, [art. 2\(1\)](#), Sch. 1 (with savings in arts. 3-5)
- F6** Words in s. 281(2) inserted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 49\(b\)\(ii\)](#); S.S.I. 2004/405, [art. 2\(1\)](#), Sch. 1 (with savings in arts. 3-5)
- F7** Words in s. 281(2) substituted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 49\(b\)\(iii\)](#); S.S.I. 2004/405, [art. 2\(1\)](#), Sch. 1 (with savings in arts. 3-5)
- F8** Words in s. 281(2) substituted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 49\(b\)\(iv\)](#); S.S.I. 2004/405, [art. 2\(1\)](#), Sch. 1 (with savings in arts. 3-5)

[^{F9}281A Routine evidence: reports of identification prior to trial

- (1) Where in a trial the prosecutor lodges as a production a report naming—
 - (a) a person identified in an identification parade or other identification procedure by a witness, and
 - (b) that witness,

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it shall be presumed, subject to subsection (2) below, that the person named in the report as having been identified by the witness is the person of the same name who appears in answer to the indictment or complaint.

(2) That presumption shall not apply—

- (a) unless the prosecutor has, [^{F10}by the required time] , served on the accused a copy of the report and a notice that he intends to rely on the presumption, or
- (b) if the accused—
 - (i) not more than 7 days after the date of service of the copy of the report, or
 - (ii) by such later time as the court may in special circumstances allow, has served notice on the prosecutor that he intends to challenge the facts stated in the report.

[In subsection (2)(a) above, “the required time” means—

- ^{F11}(3) (a) in the case of proceedings in the High Court—
 - (i) not less than 14 clear days before the preliminary hearing; or
 - (ii) such later time, being not less than 14 clear days before the trial, as the court may, in special circumstances, allow;
- (b) in any other case, not less than 14 clear days before the trial.]]

Textual Amendments

- F9** S. 281A inserted (1.4.2005) by [Vulnerable Witnesses \(Scotland\) Act 2004 \(asp 3\)](#), **ss. 4, 25**; S.S.I. 2005/168, **art. 2**, Sch. (with savings in art. 4)
- F10** Words in s. 281A(2)(a) substituted (1.4.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), **ss. 25, 27(1)**, **Sch. para. 50(a)**; S.S.I. 2004/405, **art. 2(2)**, Sch. 2 (with savings in arts. 3-5)
- F11** S. 281A(3) inserted (1.4.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), **ss. 25, 27(1)**, **Sch. para. 50(b)**; S.S.I. 2004/405, **art. 2(2)**, Sch. 2 (with savings in arts. 3-5) (as amended (31.1.2005) by S.S.I. 2005/40, **art. 3(5)**)

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