



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

Sufficient evidence

282 Evidence as to controlled drugs and medicinal products.

- (1) For the purposes of any criminal proceedings, evidence given by an authorised forensic scientist, either orally or in a report purporting to be signed by him, that a substance which satisfies either of the conditions specified in subsection (2) below is—
- (a) a particular controlled drug or medicinal product; or
 - (b) a particular product which is listed in the British Pharmacopoeia as containing a particular controlled drug or medicinal product,
- shall, subject to subsection (3) below, be sufficient evidence of that fact notwithstanding that no analysis of the substance has been carried out.
- (2) Those conditions are—
- (a) that the substance is in a sealed container bearing a label identifying the contents of the container; or
 - (b) that the substance has a characteristic appearance having regard to its size, shape, colour and manufacturer's mark.
- (3) A party proposing to rely on subsection (1) above ("the first party") shall, not less than 14 days before the [F¹relevant] diet, serve on the other party ("the second party")—
- (a) a notice to that effect; and
 - (b) where the evidence is contained in a report, a copy of the report,
- and if the second party serves on the first party, not more than seven days after the date of service of the notice on him, a notice that he does not accept the evidence as to the identity of the substance, subsection (1) above shall not apply in relation to that evidence.

Status: Point in time view as at 16/08/2013.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Sufficient evidence is up to date with all changes known to be in force on or before 10 April 2024. 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)

[^{F2}(3A) In subsection (3) above, “the relevant diet” means—

- (a) in the case of proceedings in the High Court, the preliminary hearing;
- (b) in any other case, the trial diet.]

(4) A notice or copy report served in accordance with subsection (3) above 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 the notice or copy together with, where appropriate, the relevant post office receipt shall be sufficient evidence of such service.

(5) In this section—

“controlled drug” has the same meaning as in the ^{M1}Misuse of Drugs Act 1971; and

“medicinal product” has the same meaning as in the ^{M2}Medicines Act 1968.

Textual Amendments

- F1** Word in s. 282(3) substituted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 51\(a\)](#); S.S.I. 2004/405, [art. 2\(1\)](#), Sch. 1 (with savings in arts. 3-5)
- F2** S. 282(3A) inserted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 51\(b\)](#); S.S.I. 2004/405, [art. 2\(1\)](#), Sch. 1 (with savings in arts. 3-5)

Marginal Citations

- M1** 1971 c.38.
M2 1968 c.67.

283 Evidence as to time and place of video surveillance recordings.

(1) For the purposes of any criminal proceedings, a certificate purporting to be signed by a person responsible for the operation of a video surveillance system and certifying—

- (a) the location of the camera;
- (b) the nature and extent of the person’s responsibility for the system; and
- (c) that visual images [^{F3}(and any sounds) recorded on a particular device are images (and sounds), recorded by the system, of (or relating to)] events which occurred at a place specified in the certificate at a time and date so specified,

shall, subject to subsection (2) below, be sufficient evidence of the matters contained in the certificate.

(2) A party proposing to rely on subsection (1) above (“the first party”) shall, not less than 14 days before the [^{F4}relevant] diet, serve on the other party (“the second party”) a copy of the certificate and, if the second party serves on the first party, not more than seven days after the date of service of the copy certificate on him, a notice that he does not accept the evidence contained in the certificate, subsection (1) above shall not apply in relation to that evidence.

[^{F5}(2A) In subsection (2) above, “the relevant diet” means—

- (a) in the case of proceedings in the High Court, the preliminary hearing;
- (b) in any other case, the trial diet.]

(3) A copy certificate or notice served in accordance with subsection (2) above shall be served in such manner as may be prescribed by Act of Adjournal; and a written

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

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Sufficient evidence is up to date with all changes known to be in force on or before 10 April 2024. 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)

execution purporting to be signed by the person who served the copy or notice together with, where appropriate, the relevant post office receipt shall be sufficient evidence of such service.

- (4) In this section, “video surveillance system” means apparatus consisting of a camera mounted in a fixed position and associated equipment for transmitting and recording visual images of events occurring in any place [^{F6}(and includes associated equipment for transmitting and recording sounds relating to such events)] .

Textual Amendments

- F3** Words in s. 283(1)(c) substituted (10.12.2007) by *Criminal Proceedings etc. (Reform) (Scotland) Act 2007* (asp 6), ss. 80, 84, **Sch. para. 23(a)**; S.S.I. 2007/479, **art. 3(1)**, Sch. (as amended by 2007/527)
- F4** Word in s. 283(2) substituted (1.2.2005) by *Criminal Procedure (Amendment) (Scotland) Act 2004* (asp 5), ss. 25, 27(1), **Sch. para. 52(a)**; S.S.I. 2004/405, **art. 2(1)**, Sch. 1 (with savings in arts. 3-5)
- F5** S. 283(2A) inserted (1.2.2005) by *Criminal Procedure (Amendment) (Scotland) Act 2004* (asp 5), ss. 25, 27(1), **Sch. para. 52(b)**; S.S.I. 2004/405, **art. 2(1)**, Sch. 1 (with savings in arts. 3-5)
- F6** Words in s. 283(4) inserted (10.12.2007) by *Criminal Proceedings etc. (Reform) (Scotland) Act 2007* (asp 6), ss. 80, 84, **Sch. para. 23(b)**; S.S.I. 2007/479, **art. 3(1)**, Sch. (as amended by 2007/527)

284 Evidence in relation to fingerprints.

- (1) For the purpose of any criminal proceedings, a certificate purporting to be signed by [^{F7}a person authorised in that behalf by a chief constable] and certifying that [^{F7}relevant physical data (within the meaning of section 18(7A) of this Act) was taken from or provided by] a person designated in the certificate at a time , date and place specified therein shall, subject to subsection (2) below, be sufficient evidence of the facts contained in the certificate.
- [^{F8}(2) A party proposing to rely on subsection (1) above (“the first party”) shall, not less than 14 days before the [^{F9}relevant] diet, serve on any other party to the proceedings a copy of the certificate, and [^{F10}, if that other party serves on the first party, not more than seven days after the date of service of the copy on him, a notice that he does not accept the evidence contained in the certificate, subsection (1) above shall not apply in relation to that evidence.]
- (2A) Where the first party does not serve a copy of the certificate on any other party as mentioned in subsection (2) above, he shall not be entitled to rely on subsection (1) above as respects that party.]
- [^{F11}(2B) In subsection (2) above, “the relevant diet” means—
- (a) in the case of proceedings in the High Court, the preliminary hearing;
 - (b) in any other case, the trial diet.]

(3) A copy certificate or notice served in accordance with subsection (2) above 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 the copy or notice together with, where appropriate, the relevant post office receipt shall be sufficient evidence of such service.

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

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Sufficient evidence is up to date with all changes known to be in force on or before 10 April 2024. 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)

Textual Amendments

- F7** Words in s. 284(1) substituted (1.8.1997) by 1997 c. 48, s. 47(4)(a)(i)(ii); S.I. 1997/1712, art. 3, **Sch.** (subject to arts. 4, 5)
- F8** S. 284(2)(2A) substituted (1.8.1997) for s. 284(2) by 1997 c. 48, s. 47(4)(b); S.I. 1997/1712, art. 3, **Sch.** (subject to arts. 4, 5)
- F9** Word in s. 284(2) substituted (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5), ss. 25, 27(1), **Sch. para. 53(a)**; S.S.I. 2004/405, **art. 2(1)**, Sch. 1 (with savings in arts. 3-5)
- F10** Words in s. 284(2) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 54, 89 (with savings in S.S.I. 2003/287, art. 3); S.S.I. 2003/288, **art. 2**, Sch.
- F11** S. 284(2B) inserted (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5), ss. 25, 27(1), **Sch. para. 53(b)**; S.S.I. 2004/405, **art. 2(1)**, Sch. 1 (with savings in arts. 3-5)

Status:

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

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Cross Heading: Sufficient evidence is up to date with all changes known to be in force on or before 10 April 2024. 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.