



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

Transcripts and records

277 Transcript of police interview sufficient evidence.

(1) Subject to subsection (2) below, for the purposes of any criminal proceedings, a document certified by the person who made it as an accurate transcript made for the prosecutor of the contents of a tape (identified by means of a label) purporting to be a recording of an interview between—

- (a) a police officer and an accused person; ^{F1}...
- (b) a person commissioned, appointed or authorised under section 6(3) of the ^{M1}Customs and Excise Management Act 1979 and an accused person^{F2}; or
- (c) a person authorised by the Scottish Environment Protection Agency under section 108 of the Environment Protection Act 1995 and an accused person.]

shall be received in evidence and be sufficient evidence of the making of the transcript and of its accuracy.

(2) Subsection (1) above shall not apply to a transcript—

- (a) unless a copy of it has been served on the accused not less than 14 days before ^{F3}(i) in the case of proceedings in the High Court, the preliminary hearing; (ii) in any other case,] his trial; or
- (b) if 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 his trial;

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or (in either case)] by such later time before his trial as the court may in special circumstances allow, has served notice on the prosecutor that the accused challenges the making of the transcript or its accuracy.

- (3) A copy of the transcript or a notice under 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 transcript or notice, together with, where appropriate, the relevant post office receipt shall be sufficient evidence of such service.
- (4) Where subsection (1) above does not apply to a transcript, if the person who made the transcript is called as a witness his evidence shall be sufficient evidence of the making of the transcript and of its accuracy.

[^{F5}(5) Subsection (1) is without prejudice to section 108(12) of the Environment Act 1995.]

Textual Amendments

- F1** Word in s. 277(1) repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 31\(2\)\(a\)\(i\)](#); S.S.I. 2014/160, art. 2(1)(2), sch.
- F2** S. 277(1)(c) and word inserted (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 31\(2\)\(a\)\(ii\)](#); S.S.I. 2014/160, art. 2(1)(2), sch.
- F3** Words in s. 277(2)(a) inserted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\), ss. 25, 27\(1\), Sch. para. 46\(a\)](#); S.S.I. 2004/405, art. 2, Sch. 1 (with savings in arts. 3-5)
- F4** Words in s. 277(2)(b) substituted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\), ss. 25, 27\(1\), Sch. para. 46\(b\)](#); S.S.I. 2004/405, art. 2, Sch. 1 (with savings in arts. 3-5)
- F5** S. 277(5) added (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\), s. 61\(2\), sch. 3 para. 31\(2\)\(b\)](#); S.S.I. 2014/160, art. 2(1)(2), sch.

Marginal Citations

- M1** 1979 c.2.

278 Record of proceedings at examination as evidence.

- (1) Subject to subsection (2) below, the record made, under section 37 of this Act (incorporating any rectification authorised under section 38(1) of this Act), of proceedings at the examination of an accused shall be received in evidence without being sworn to by witnesses, and it shall not be necessary in proceedings on indictment to insert the names of any witnesses to the record in any list of witnesses, either for the prosecution or for the defence.
- (2) On the application of either an accused or the prosecutor—
- in proceedings on indictment, subject to sections 37(5) and [^{F679}(1)] of this Act, the court may determine that the record or part of the record shall not be read to the jury; and
 - in summary proceedings, subject to the said section 37(5) and to subsection (4) below, the court may refuse to admit the record or some part of the record as evidence.
- (3) At the hearing of an application under subsection (2) above, it shall be competent for the prosecutor or the defence to adduce as witnesses the persons who were present during the proceedings mentioned in subsection (1) above and for either party to examine those witnesses upon any matters regarding the said proceedings.

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- (4) In summary proceedings, except on cause shown, an application under subsection (2) (b) above shall not be heard unless notice of at least 10 clear days has been given to the court and to the other parties.
- (5) In subsection (2) above, the “record” comprises—
- (a) as regards any trial of an indictment, each record included, under section 68(1) of this Act, in the list of productions; and
 - (b) as regards a summary trial, each record which it is sought to have received under subsection (1) above.

Textual Amendments

- F6** Words in s. 278(2)(a) substituted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 47](#); S.S.I. 2004/405, [art. 2](#), [Sch. 1](#) (with savings in arts. 3-5)

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