



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XIII

MISCELLANEOUS

[^{F1}Electronic proceedings

Textual Amendments

- F1** S. 303B and cross-heading inserted (10.12.2007 for certain purposes and 1.11.2012 in so far as not already in force) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\), ss. 41\(1\), 84; S.S.I. 2007/479, art. 3\(1\), Sch.](#) (as amended by [S.S.I. 2007/527](#)); S.S.I 2012/274, art. 2, sch.

303B Electronic summary proceedings

- (1) For the purposes of section 138(1) of this Act—
 - (a) institution of proceedings may be effected by electronic complaint;
 - (b) the requirement for signing is satisfied in relation to an electronic complaint by an electronic signature;
 - (c) the requirement for signing may be satisfied in relation to any other complaint by an electronic signature.
- (2) The references in the other provisions of this Act to a complaint include an electronic complaint unless the context otherwise requires.
- (3) Where proceedings are instituted by electronic complaint, in the event of any conflict between—
 - (a) the principal electronic complaint kept by the clerk of court for the purposes of the proceedings; and
 - (b) any other document (whether in electronic or other form) purporting to be the complaint,the principal electronic complaint prevails.

Status: Point in time view as at 16/08/2013.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Cross Heading: Electronic proceedings is up to date with all changes known to be in force on or before 08 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)*

- (4) The requirement in section 85(4) of this Act for signing may be satisfied by electronic signature.
- (5) The requirement in section 136B(2) of this Act for signing may be satisfied by electronic signature.
- (6) The requirement in section 141(3)(a) of this Act for signing may be satisfied by electronic signature.
- (7) The requirement in section 159(3) of this Act for authentication by initials is satisfied in relation to an electronic complaint by authentication by electronic signature.
- (8) The requirements in section 172(2) of this Act for signing by the clerk of court may be satisfied by electronic signature.
- (9) The requirements in section 258(2) and (9) of this Act for signing may be satisfied in relation to summary proceedings by electronic signature.
- (10) The requirement in section 299(5) of this Act for authentication by signature is satisfied in relation to—
 - (a) proceedings which are recorded in electronic form;
 - (b) any extract of sentence, or order made, which is recorded in electronic form, by authentication by electronic signature.]

Status:

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

Changes to legislation:

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