

SCHEDULES

SCHEDULE 8

DOCUMENTARY EVIDENCE IN CRIMINAL PROCEEDINGS

General

- 7 (1) Nothing in this Schedule—
- (a) shall prejudice the admissibility of a statement made by a person other than in the course of giving oral evidence in court which is admissible otherwise than by virtue of this Schedule;
 - (b) shall affect the operation of the Bankers' Books Evidence Act 1879;
 - (c) shall apply to—
 - (i) proceedings commenced; or
 - (ii) where the proceedings consist of an application to the sheriff by virtue of section 42(2)(c) of the Social Work (Scotland) Act 1968, an application made,before this Schedule comes into force.
- (2) For the purposes of sub-paragraph (1)(c)(i) above, solemn proceedings are commenced when the indictment is served.
- 8 In this Schedule—
- “business” includes trade, profession or other occupation;
 - “criminal proceedings” includes any hearing by the sheriff under section 62 of the Children (Scotland) Act 1995 of an application for a finding as to whether grounds for the referral of a child’s case to a children’s hearing are established, in so far as the application relates to the commission of an offence by the child;
 - “document” includes, in addition to a document in writing—
 - (a) any map, plan, graph or drawing;
 - (b) any photograph;
 - (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable, with or without the aid of some other equipment, of being reproduced therefrom; and
 - (d) any film, negative, tape, disc or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being produced therefrom;
 - “film” includes a microfilm;
 - “made” includes allegedly made;
 - “prescribed” means prescribed by Act of Adjournal;
 - “statement” includes any representation (however made or expressed) of fact or opinion, including an instruction, order or request, but, except in

Status: This is the original version (as it was originally enacted).

paragraph 7(1)(a) above, does not include a statement which falls within one or more of the following descriptions—

- (a) a statement in a precognition;
- (b) a statement made for the purposes of or in connection with—
 - (i) pending or contemplated criminal proceedings; or
 - (ii) a criminal investigation; or
- (c) a statement made by an accused person in so far as it incriminates a co-accused; and

“undertaking” includes any public or statutory undertaking, any local authority and any government department.