



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART IX

SUMMARY PROCEEDINGS

Trial diet

[^{F1}156A Orders in respect of witnesses apprehended under section 156

- (1) Where a witness is brought before the court in pursuance of a warrant issued under section 156 of this Act, the court shall, after giving the parties and the witness an opportunity to be heard, make an order—
 - (a) detaining the witness until the conclusion of the diet at which the witness is to give evidence;
 - (b) releasing the witness on bail; or
 - (c) liberating the witness.
- (2) The court may make an order under subsection (1)(a) or (b) above only if it is satisfied that—
 - (a) the order is necessary with a view to securing that the witness appears at the diet at which the witness is to give evidence; and
 - (b) it is appropriate in all the circumstances to make the order.
- (3) Whenever the court makes an order under subsection (1) above, it shall state the reasons for the terms of the order.
- (4) Subsection (1) above is without prejudice to any power of the court to—
 - (a) make a finding of contempt of court in respect of any failure of a witness to appear at a diet to which he has been duly cited; and
 - (b) dispose of the case accordingly.
- (5) Where—
 - (a) an order under subsection (1)(a) above has been made in respect of a witness; and

Status: Point in time view as at 01/09/2015.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 156A is up to date with all changes known to be in force on or before 07 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)

- (b) at, but before the conclusion of, the diet at which the witness is to give evidence, the court in which the diet is being held excuses the witness, that court, on excusing the witness, may recall the order under subsection (1)(a) above and liberate the witness.
- (6) On making an order under subsection (1)(b) above in respect of a witness, the court shall impose such conditions as it considers necessary with a view to securing that the witness appears at the diet at which he is to give evidence.
- (7) However, the court may not impose as such a condition a requirement that the witness or a cautioner on his behalf deposit a sum of money in court.
- (8) Section 25 of this Act shall apply in relation to an order under subsection (1)(b) above as it applies to an order granting bail, but with the following modifications—
- (a) references to the accused shall be read as if they were references to the witness in respect of whom the order under subsection (1)(b) above is made;
 - (b) references to the order granting bail shall be read as if they were references to the order under subsection (1)(b) above;
 - (c) subsection (3) shall be read as if for the words from “relating” to “offence” in the third place where it occurs there were substituted “ at which the witness is to give evidence ”.]

Textual Amendments

F1 Ss. 156-156D substituted (10.3.2008) for s. 156 by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), **ss. 16, 84**; [S.S.I. 2008/42](#), **art. 3**, Sch.

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