



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

Witnesses

265 Witnesses not excluded for conviction, interest, relationship, etc.

- (1) Every person adduced as a witness who is not otherwise by law disqualified from giving evidence, shall be admissible as a witness, and no objection to the admissibility of a witness shall be competent on the ground of—
 - (a) conviction of or punishment for an offence;
 - (b) interest;
 - (c) agency or partial counsel;
 - (d) the absence of due citation to attend; or
 - (e) his having been precognosced subsequently to the date of citation.
- (2) Where any person who is or has been an agent of the accused is adduced and examined as a witness for the accused, it shall not be competent for the accused to object, on the ground of confidentiality, to any question proposed to be put to such witness on matter pertinent to the issue of the guilt of the accused.
- (3) No objection to the admissibility of a witness shall be competent on the ground that he or she is the father, mother, son, daughter, brother or sister, by consanguinity or affinity, or uncle, aunt, nephew or niece, by consanguinity of any party adducing the witness in any trial.
- (4) It shall not be competent for any witness to decline to be examined and give evidence on the ground of any relationship mentioned in subsection (3) above.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 265 is up to date with all changes known to be in force on or before 06 September 2019. 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.

View outstanding changes

Changes and effects yet to be applied to :

- 136(3) applied by S.I. 2019/1145 reg. 34(4)(a)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by 2010 asp 13 Sch. 7 para. 26
- s. 13(1B)(1C) inserted by 2006 asp 10 s. 82(2)
- s. 13(2)(aa) inserted by 2006 asp 10 s. 82(3)(b)
- s. 13(3A) inserted by 2006 asp 10 s. 82(4)
- s. 13(5)(ba) inserted by 2006 asp 10 s. 82(5)(a)
- s. 13(6)(a)(iii) and word inserted by 2006 asp 10 s. 82(6)(b)
- s. 13(8) inserted by 2006 asp 10 s. 82(7)
- s. 18GA inserted by 2019 c. 3 Sch. 2 para. 8
- s. 22(5A) inserted by 2007 asp 6 s. 7(2)(g)
- s. 73A inserted by 2004 asp 3 s. 2(3)
- s. 167(7D)(7E) inserted by 2007 asp 17 sch. 4 para. 1(3)
- s. 167(7D) words substituted by 2010 asp 13 Sch. 3 para. 16(2)
- s. 167(7E) words substituted by 2010 asp 13 Sch. 3 para. 16(3)
- s. 194ZA repealed by 2014 asp 18 sch. 3 para. 25
- s. 200A inserted by 2016 asp 1 s. 85
- s. 205A added by 1997 c. 48 s. 1(1) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 209(7B) inserted by 2019 asp 14 Sch. 1 para. 1(2)
- s. 227A(2)(j) inserted by 2019 asp 14 Sch. 1 para. 2(2)
- s. 227G(2)(b)(viii) and word inserted by 2019 asp 14 Sch. 1 para. 2(3)(a)(iii)
- s. 227G(4A) inserted by 2019 asp 14 Sch. 1 para. 2(3)(c)
- s. 227ZE(A1) inserted by 2019 asp 14 Sch. 1 para. 2(4)(a)
- s. 227ZG(2)(aa) inserted by 2019 asp 14 Sch. 1 para. 5(2)(b)
- s. 227ZH(2)(aa) inserted by 2019 asp 14 Sch. 1 para. 5(3)(b)
- s. 245A(6)(a)(ia) inserted by 2019 asp 14 Sch. 1 para. 5(4)(b)
- s. 245E(4A)(a)(ia) inserted by 2019 asp 14 Sch. 1 para. 5(5)(a)(ii)
- s. 245DA inserted by 2019 asp 14 Sch. 1 para. 4(2)
- s. 249(4A)-(4D) inserted by 2014 asp 1 s. 24
- s. 253A-253E and cross-heading inserted by 2014 asp 1 s. 25
- s. 253A(2) applied by 2002 c. 29, s. 97A(9) (as inserted) by 2015 c. 9 s. 15(2)
- s. 271B(4A) inserted by 2019 asp 8 s. 2(2)(a)
- s. 271B(7) inserted by 2019 asp 8 s. 2(2)(b)
- s. 271D(3A)-(3C) inserted by 2019 asp 8 s. 4(2)
- s. 271D(4A) inserted by 2019 asp 8 s. 6(4)
- s. 271D(6A) inserted by 2019 asp 8 s. 5(8)
- s. 271F(2)(aa) inserted by 2019 asp 8 s. 10(4)
- s. 271I(1ZA)-(1ZD) inserted by 2019 asp 8 s. 5(2)
- s. 271I(4A) inserted by 2019 asp 8 s. 5(4)
- s. 271AA inserted by 2019 asp 8 s. 6(2)
- s. 271BZA-271BZC inserted by 2019 asp 8 s. 1(2)
- s. 271BZD inserted by 2019 asp 8 s. 3(2)

- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)