



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

Routine evidence

[^{F1}281A Routine evidence: reports of identification prior to trial

- (1) Where in a trial the prosecutor lodges as a production a report naming—
- (a) a person identified in an identification parade or other identification procedure by a witness, and
 - (b) that witness,
- it shall be presumed, subject to subsection (2) below, that the person named in the report as having been identified by the witness is the person of the same name who appears in answer to the indictment or complaint.
- (2) That presumption shall not apply—
- (a) unless the prosecutor has, [^{F2}by the required time] , served on the accused a copy of the report and a notice that he intends to rely on the presumption, or
 - (b) if the accused—
 - (i) not more than 7 days after the date of service of the copy of the report, or
 - (ii) by such later time as the court may in special circumstances allow,has served notice on the prosecutor that he intends to challenge the facts stated in the report.

[In subsection (2)(a) above, “the required time” means—

- ^{F3}(3) (a) in the case of proceedings in the High Court—
- (i) not less than 14 clear days before the preliminary hearing; or
 - (ii) such later time, being not less than 14 clear days before the trial, as the court may, in special circumstances, allow;

Status: Point in time view as at 16/08/2013.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 281A 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)*

(b) in any other case, not less than 14 clear days before the trial.]]

Textual Amendments

- F1** S. 281A inserted (1.4.2005) by [Vulnerable Witnesses \(Scotland\) Act 2004 \(asp 3\)](#), **ss. 4, 25**; S.S.I. 2005/168, **art. 2**, **Sch.** (with savings in **art. 4**)
- F2** Words in s. 281A(2)(a) substituted (1.4.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), **ss. 25, 27(1)**, **Sch. para. 50(a)**; S.S.I. 2004/405, **art. 2(2)**, **Sch. 2** (with savings in **arts. 3-5**)
- F3** S. 281A(3) inserted (1.4.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), **ss. 25, 27(1)**, **Sch. para. 50(b)**; S.S.I. 2004/405, **art. 2(2)**, **Sch. 2** (with savings in **arts. 3-5**) (as amended (31.1.2005) by S.S.I. 2005/40, **art. 3(5)**)

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