



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VII

SOLEMN PROCEEDINGS

Trial

[^{F1}97B Acquittals etc. on section 97A(2)(a) submissions

- (1) This section applies where the accused makes a submission of the kind mentioned in section 97A(2)(a).
- (2) If the judge is satisfied that the evidence is insufficient in law to justify the accused's being convicted of the indicted offence, then—
 - (a) where the judge is satisfied that the evidence is also insufficient in law to justify the accused's being convicted of a related offence—
 - (i) the judge must acquit the accused of the indicted offence, and
 - (ii) the trial is to proceed only in respect of any other offence libelled in the indictment,
 - (b) where the judge is satisfied that the evidence is sufficient in law to justify the accused's being convicted of a related offence, the judge must direct that the indictment be amended accordingly.
- (3) If the judge is not satisfied as is mentioned in subsection (2)—
 - (a) the judge must reject the submission, and
 - (b) the trial is to proceed as if the submission had not been made.
- (4) The judge may make a decision under this section only after hearing both (or all) parties.
- (5) An amendment made by virtue of this section must be sufficiently authenticated by the initials of the judge or the clerk of court.

Status: Point in time view as at 01/09/2015.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 97B 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)*

(6) In this section, “indicted offence” and “related offence” have the same meanings as in section 97A.]

Textual Amendments

F1 Ss. 97A-97D inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 73, 206(1); S.S.I. 2011/178, art. 2, sch.

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