

EXPLANATORY NOTES

CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) ACT 2004

INTRODUCTION

THE ACT

COMMENTARY ON SECTIONS

PART 1 - PROCEEDINGS IN THE HIGH COURT

Section 1 - Preliminary hearings

Amendment of section 66

New section 72 – preliminary hearing: procedure up to appointment of trial diet

New section 72A – preliminary hearing: appointment of trial diet

New section 72B – power to dispense with preliminary hearing

New section 72C – procedure where preliminary hearing does not proceed

New section 72D – preliminary hearing: further provision

Section 2 - Written record of state of preparation in certain cases

Section 3 - Appeals

Section 4 - Prohibition on accused conducting case in person in certain cases

Section 5 - Continuation of trial diet

PART 2 - SOLEMN PROCEEDINGS GENERALLY

Section 6 - Time limits

Section 7 - Citation

Section 8 - Engagement, dismissal and withdrawal of solicitor representing the accused

Section 9 - Procedure where trial diet does not proceed

Section 10 - Trial in absence of accused

Section 11 - Obstructive witnesses

New section 90A: apprehension of witnesses in proceedings on indictment

New section 90B – orders in respect of witnesses apprehended under section 90A

New section 90C – breach of bail under section 90B(1)(b)

New section 90D – review of orders under section 90B(1)(a) or (b)

New section 90E – appeals in respect of orders under section 90B(1)

Section 12 - Service etc. on accused through solicitor

Section 13 - Preliminary pleas and preliminary issues

Section 14 - Objections to admissibility of evidence raised without due notice

Section 15 - Alteration of diets

Section 16 - Uncontroversial evidence

PART 3 - BAIL

Section 17 - Bail conditions: remote monitoring of restriction on movements

New section 24A – bail conditions: remote monitoring of restrictions on movements

New sections 24B to 24E

Section 18 - Bail review: rights of prosecutor to be heard

PART 4 - MISCELLANEOUS AND GENERAL

Section 19 - First diet in sheriff court solemn proceedings: witnesses and bail

Section 20 - Sentence following guilty plea

Section 21 - Increase in extended sentence which may be passed by sheriff court in certain cases

Section 22 - Citation of witnesses for precognition

Section 23 - Admissibility of prior statements of witnesses

Section 24 - Protection of Children (Scotland) Act 2003: references following conviction

Section 25 - Further modifications of the 1995 Act

Section 26 - Ancillary provision

Section 27 - Commencement and short title

Schedule - Further modifications of the 1995 Act.

These notes relate to the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5)

PARLIAMENTARY HISTORY