

Status: Point in time view as at 01/04/2006.

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 43. (See end of Document for details)

SCHEDULE
FURTHER MODIFICATIONS OF THE 1995 ACT

- 43 In section 271A (special measures for child witnesses)—
- (a) in subsection (2), for the words “no later than 14 clear days before the trial diet” substitute “by the required time”,
 - (b) in subsection (4), for the words “the time limit specified in subsection (2) above” substitute “the required time”,
 - (c) in subsection (5), for the words from “that” where last occurring to the end substitute “under subsection (5A) below.”,
 - (d) after that subsection insert—
 - “(5A) That order is an order—
 - (a) in the case of proceedings in the High Court where the preliminary hearing is yet to be held, appointing the child witness notice to be disposed of at that hearing;
 - (b) in the case of proceedings on indictment in the sheriff court where the first diet is yet to be held, appointing the child witness notice to be disposed of at that diet; or
 - (c) in any other case, appointing a diet to be held before the trial diet and requiring the parties to attend the diet.”,
 - (e) in subsection (7), for paragraph (b) substitute—
 - “(b) where the court does not so order—
 - (i) in the case of proceedings on indictment where this subsection applies at or before the preliminary hearing or, as the case may be, the first diet, at that hearing or diet make an order under subsection (9) below; or
 - (ii) in any other case, make an order appointing a diet to be held before the trial diet and requiring the parties to attend the diet.”,
 - (f) in subsection (8), for “(5)(c) or (7)(b)” substitute “(5A)(c) or (7)(b)(ii)”,
 - (g) after subsection (8) insert—
 - “(8A) Subsection (9) below applies to—
 - (a) a preliminary hearing or first diet, so far as the court is—
 - (i) by virtue of an order under subsection (5A)(a) or (b) above, disposing of a child witness notice at the hearing or diet; or
 - (ii) by virtue of subsection (7)(b)(i) above, to make an order under subsection (9) above at the hearing or diet; and
 - (b) a diet appointed under subsection (5A)(c) or (7)(b)(ii) above.”,
 - (h) in subsection (9), for the words “diet under this subsection” substitute “hearing or diet to which this subsection applies”,
 - (i) in subsection (11), for the words “diet under subsection (9) above” substitute “hearing or diet to which subsection (9) above applies”,
 - (j) in subsection (12) for the words from “under” to the end substitute “appointed under subsection (5A)(c) or (7)(b)(ii) above in any case may be conjoined with any other diet to be held before the trial diet in the case.”,

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(k) after subsection (13) insert—

“(13A) In subsections (2) and (4) above, “the required time” means—

- (a) in the case of proceedings in the High Court, no later than 14 clear days before the preliminary hearing;
- (b) in the case of proceedings on indictment in the sheriff court, no later than 7 clear days before the first diet;
- (c) in any other case, no later than 14 clear days before the trial diet.”.

Commencement Information

- I1** Sch. para. 43 in force at 1.4.2005 for specified purposes, 1.4.2006 for specified purposes, 1.4.2007 for specified purposes, 2.7.2007 for specified purposes and 1.4.2008 for specified purposes by [S.S.I. 2004/405, art. 2\(2\), sch. 2](#) (with [arts. 3-5](#)) (see S.S.I. 2005/168, S.S.I. 2006/59, S.S.I. 2007/101, S.S.I. 2007/329 and S.S.I. 2008/57)
- I2** Sch. para. 43 in force at 1.4.2006 for specified purposes by [S.S.I. 2004/405, art. 2\(2\), sch. 2](#) (with [arts. 3-5](#)) (see S.S.I. 2005/168, S.S.I. 2006/59, S.S.I. 2007/101, S.S.I. 2007/329 and S.S.I. 2008/57)

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