

*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Paragraph 44. (See end of Document for details)*

## SCHEDULE FURTHER MODIFICATIONS OF THE 1995 ACT

- 44 In section 271C (special measures for vulnerable witnesses other than child witnesses)—
- (a) in subsection (2), for the words “not 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)(b), for the words from “order” to the end substitute “make an order under subsection (5A) below.”,
  - (d) after subsection (5) 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 vulnerable witness application 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 vulnerable witness application 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 (6), for “(5)(b)” substitute “(5A)(c)”,
  - (f) after that subsection insert—
    - “(6A) Subsection (7) below applies to—
    - (a) a preliminary hearing or first diet so far as the court is, by virtue of an order under subsection (5A)(a) or (b) above disposing of a vulnerable witness application at the hearing or diet, and
    - (b) a diet appointed under subsection (5A)(c) above.”,
  - (g) in subsection (7), for the words “diet under this subsection” substitute “hearing or diet to which this subsection applies”,
  - (h) in subsection (9), for the words “diet under subsection (7) above” substitute “hearing or diet to which subsection (7) above applies”,
  - (i) in subsection (10), for the words from “under” to the end substitute “appointed under subsection (5A)(c) above in any case may be conjoined with any other diet to be held before the trial diet in the case.”,
  - (j) after subsection (11) insert—
    - “(12) 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.”.

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#### **Commencement Information**

- II** Sch. para. 44 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)

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