



# Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

## PART 1

### PROCEEDINGS IN THE HIGH COURT

#### *Preliminary hearings*

#### **2 Written record of state of preparation in certain cases**

After section 72D of the 1995 Act (as inserted by section 1(3) of this Act) insert—

##### **“72E Written record of state of preparation in certain cases**

- (1) This section applies where, in any proceedings in the High Court, a solicitor has notified the Court under section 72F(1) of this Act that he has been engaged by the accused for the purposes of the conduct of his case at the preliminary hearing.
- (2) The prosecutor and the accused’s legal representative shall, not less than two days before the preliminary hearing—
  - (a) communicate with each other with a view to jointly preparing a written record of their state of preparation with respect to their cases (referred to in this section as “the written record”); and
  - (b) lodge the written record with the Clerk of Justiciary.
- (3) The High Court may, on cause shown, allow the written record to be lodged after the time referred to in subsection (2) above.
- (4) The written record shall—
  - (a) be in such form, or as nearly as may be in such form;
  - (b) contain such information; and
  - (c) be lodged in such manner,as may be prescribed by Act of Adjournal.

---

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 2. (See end of Document for details)*

---

- (5) The written record may contain, in addition to the information required by virtue of subsection (4)(b) above, such other information as the prosecutor and the accused’s legal representative consider appropriate.
- (6) In this section—
- “the accused’s legal representative” means—
- (a) the solicitor referred to in subsection (1) above; or
  - (b) where the solicitor has instructed counsel for the purposes of the conduct of the accused’s case at the preliminary hearing, either the solicitor or that counsel, or both of them; and
- “counsel” includes a solicitor who has a right of audience in the High Court of Justiciary under section 25A (rights of audience in various courts including the High Court of Justiciary) of the Solicitors (Scotland) Act 1980 (c. 46).”.

---

**Commencement Information**

**II** S. 2 in force at 1.2.2005 by [S.S.I. 2004/405](#), art. 2(1), [sch. 1](#) (with arts. 3-5)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 2.