



# Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

## PART 1

### PROCEEDINGS IN THE HIGH COURT

#### *Preliminary hearings*

#### **4 Prohibition on accused conducting case in person in certain cases**

- (1) In section 288C(1) of the 1995 Act (prohibition of personal conduct of defence in cases of certain sexual offences), after “conducting” insert—
- “(a) his case in person at or for the purposes of a preliminary hearing; and
  - (b) ”.
- (2) In section 288D(2)(a) of that Act (appointment by the court of a solicitor in such cases), after “of” insert—
- “(i) the conduct of his case at or for the purposes of a preliminary hearing; or
  - (ii) ”.
- (3) In section 288E of that Act (prohibition of personal conduct of defence in certain cases involving child witnesses under the age of 12)—
- (a) in subsection (1), after “conducting” insert—
    - “(a) his case in person at or for the purposes of a preliminary hearing; and
    - (b) ”,
  - (b) in subsection (6)—
    - (i) before paragraph (a) insert—
      - “(za) where he is indicted to the High Court in respect of the offence, that his case at or for the purposes of the preliminary hearing may be conducted only by a lawyer,”,

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*Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 4. (See end of Document for details)*

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- (ii) in paragraph (c), after the word “of” insert “ the conduct of his case at or for the purposes of the preliminary hearing (if he is indicted to the High Court in respect of the offence) or ”.
- (4) In section 288F of that Act (power to prohibit personal conduct of defence in cases involving vulnerable witnesses), after subsection (4) insert—
- “(4A) Where, in any proceedings in the High Court, an order is made under subsection (2) above before or at the preliminary hearing, the accused is also prohibited from conducting or, as the case may be, continuing to conduct, his case in person at or for the purposes of the preliminary hearing.”.

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**Commencement Information**

- I1** S. 4(1)(2) in force at 1.2.2005 by [S.S.I. 2004/405, art. 2\(1\)](#), [sch. 1](#) (with [arts. 3-5](#))
- I2** S. 4(3)(4) in force at 1.4.2005 for specified purposes, 1.4.2006 for specified purposes, 1.4.2007 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](#) and [S.S.I. 2008/57](#))

**Status:**

Point in time view as at 01/04/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 4.