



# 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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**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 ”.

<sup>F1</sup>(4) .....

#### Textual Amendments

**F1** S. 4(4) repealed (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 7 para. 74\(a\)](#); S.S.I. 2011/178, art. 2, sch.

#### 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)

**Changes to legislation:**

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