



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 4

EVIDENCE

85 **Witness statements: use during trial**

- (1) The 1995 Act is amended as follows.
- (2) After section 261 insert—

“Witness statements

261A Witness statements: use during trial

- (1) Subsection (2) applies where—
 - (a) a witness is giving evidence in criminal proceedings,
 - (b) the witness has made a prior statement,
 - (c) the prosecutor has seen or has been given an opportunity to see the statement, and
 - (d) the accused (or a solicitor or advocate acting on behalf of the accused in the proceedings) has seen or has been given an opportunity to see the statement.
- (2) The court may allow the witness to refer to the statement while the witness is giving evidence.”.
- (3) In section 262 (construction of sections 259 to 261 of Act)—
 - (a) in the title, for “261” substitute “ 261A ”,
 - (b) in each of subsections (1) to (4), for “261” substitute “ 261A ”, and
 - (c) in subsection (3)—
 - (i) in the definition of “criminal proceedings”, after “include” insert “ (other than in section 261A) ”, and

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 85. (See end of Document for details)

(ii) in the definition of “made”, after “includes” insert “ (other than in section 261A) ”.

Commencement Information

I1 [S. 85](#) in force at 6.6.2011 by [S.S.I. 2011/178](#), [art. 2](#), [Sch.](#) (with [Sch.](#))

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 85.