



Criminal Justice (Scotland) Act 1995

1995 CHAPTER 20

PART I

THE COURSE OF JUSTICE

Bail

Juries

Pre-trial procedure

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1995, PART I. (See end of Document for details)

Delay in trial

Evidence

20 Construction of sections 17, 18 and 19.

^{F1}(1)

^{F1}(2)

(3) In the said sections 17, 18 and 19—

“criminal proceedings” include any hearing by the sheriff under section 42 of the ^{M6}Social Work (Scotland) Act 1968 of an application for a finding as to whether grounds for the referral of a child’s case to a children’s hearing are established, in so far as the application relates to the commission of an offence by the child;

“document” includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (d) any film, negative, tape, disc or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom;

“film” includes a microfilm;

“made” includes allegedly made.

^{F1}(4)

(5) Nothing in the said sections 17, 18 and 19 shall apply to—

- (a) proceedings commenced; or
- (b) where the proceedings consist of an application to the sheriff by virtue of section 42(2)(c) of the ^{M7}Social Work (Scotland) Act 1968, an application made,

before those sections come into force; and for the purposes of paragraph (a) above, solemn proceedings are commenced when the indictment is served.

Textual Amendments

F1 S. 20(1)(2)(4) repealed (1.4.1996) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II, para. 16(3), **Sch. 5**

Marginal Citations

M6 1968 c. 49.

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1995, PART I. (See end of Document for details)

M7 1968 c. 49.

The trial

Conviction and sentence

Appeals

Mental disorder and criminal proceedings

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1995, PART I. (See end of Document for details)

Miscellaneous

66 Supervision and care of persons diverted from prosecution or subject to supervision requirement etc.

In section 27(1) of the ^{M19}Social Work (Scotland) Act 1968 (supervision and care of persons put on probation or released from prisons etc.)—

- (a) after paragraph (a) there shall be inserted—
 - “(aa) making available to any children’s hearing such reports relating to persons aged 16 and 17 years in relation to the commission of an offence, as the hearing may require for the disposal of a case;
 - (ab) making available to any procurator fiscal or the Lord Advocate such reports as the procurator fiscal or the Lord Advocate may request in relation to persons who are charged with an offence;”;
- (b) after sub-paragraph (iv) of paragraph (b) there shall be inserted the following sub-paragraphs—
 - “(v) without prejudice to sub-paragraphs (i) to (iv) above, persons in their area who are subject to a supervision and treatment order made under section 174ZC(2)(d) or 375ZC(2)(d) of the Criminal Procedure (Scotland) Act 1975; and
 - (vi) persons in their area aged 16 and 17 years who are subject to a supervision requirement imposed in

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relation to the commission of any offence by that person; and

(vii) persons in their area who are charged with, but not prosecuted for, any offence and are referred to the local authority by the procurator fiscal or the Lord Advocate; and”.

Marginal Citations

M19 1968 c.49.

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