



Criminal Justice (Scotland) Act 1995

1995 CHAPTER 20

PART I

THE COURSE OF JUSTICE

Pre-trial procedure

10 Judicial examination

- (1) Section 20A of the 1975 Act (examination of accused by prosecutor before sheriff) shall be amended as follows.
- (2) In subsection (1)—
 - (a) after the words “eliciting any” there shall be inserted “admission,”; and
 - (b) in paragraph (i) of the proviso to paragraph (a), for the words from “category” to the end there shall be substituted “defence”.
- (3) After subsection (3) there shall be inserted the following subsection—

“(3A) The accused shall be told by the sheriff that if he answers any question put to him at the examination under this section in such a way as to disclose an ostensible defence, the prosecutor shall be under the duty imposed by subsection (7) below.”.
- (4) After subsection (6) there shall be inserted the following subsections—
 - “(7) Without prejudice to any rule of law, on the conclusion of an examination under this section the prosecutor shall secure the investigation, to such extent as is reasonably practicable, of any ostensible defence disclosed in the course of the examination.
 - (8) The duty imposed by subsection (7) above shall not apply as respects any ostensible defence which is not reasonably capable of being investigated.”.