



# Criminal Justice (Scotland) Act 1995

## 1995 CHAPTER 20

### PART I

#### THE COURSE OF JUSTICE

##### *Evidence*

#### **20 Construction of sections 17, 18 and 19**

- (1) For the purposes of sections 17, 18 and 19 of this Act, a “statement” includes—
  - (a) any representation, however made or expressed, of fact or opinion; and
  - (b) any part of a statement,but does not include a statement in a precognition other than a precognition on oath.
- (2) For the purposes of the said sections 17, 18 and 19 a statement is contained in a document where the person who makes it—
  - (a) makes the statement in the document personally;
  - (b) makes a statement which is, with or without his knowledge, embodied in a document by whatever means or by any person who has direct personal knowledge of the making of the statement; or
  - (c) approves a document as embodying the statement.
- (3) In the said sections 17, 18 and 19—

“criminal proceedings” include any hearing by the sheriff under section 42 of the 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;

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (4) Nothing in the said sections 17, 18 and 19 shall prejudice the admissibility of a statement made by a person other than in the course of giving oral evidence in court which is admissible otherwise than by virtue of those sections.
- (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 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.