



Criminal Procedure (Scotland) Act 1995

CHAPTER 46

CRIMINAL PROCEDURE (SCOTLAND) ACT 1995

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- 271 Vulnerable witnesses: main definitions
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- 271V Appeals
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- 274 Restrictions on evidence relating to sexual offences.
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- 277 Transcript of police interview sufficient evidence.
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- 279 Evidence from documents.

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- 297A Re-execution of apprehension warrants

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- 1A Any offence under section 18 (rape of a young child)...
- 1B Any offence under section 19 (sexual assault on a young...
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- 1D Any offence under section 42 of that Act (sexual abuse...
- 2 Any offence under section 12, 15, 22 or 33 of...
- 2A Any offence under the Prohibition of Female Genital Mutilation (Scotland)...
- 2B Any offence under section 52 or 52A of the Civic...
- 2C Any offence under section 1, 9, 10, 11 or 12...
- 3 Any other offence involving bodily injury to a child under...
- 4 Any offence involving the use of lewd, indecent or libidinous...
- 4A Any offence under section 5 (coercing a person into being...
- 4B Any offence under any of sections 21 to 26 or...

SCHEDULE 2 — Examples of Indictments

- “A.B.(name and address, that given in the declaration being sufficient),...
- “..... You did rob Charles Doyle, a cattle dealer, of...
- “..... You did break into the house occupied by Andrew...
- “..... You did force open (or attempt to force open)...
- “..... You did place your hand in one of the...
- “..... You did assault Lewis Mann, station-master of Earlston, and...
- “..... You did, while in the employment of James Pentland,...
- “..... You did, while acting as commercial traveller to Brown...
- “..... You did pretend to Norah Omond, residing there, that...
- “..... You did reset a watch and chain, pocket book...
- “..... You did utter as genuine a bill, on which...
- “..... You did utter as genuine a letter bearing to...
- “..... You did utter a cheque signed by Henry Smith...
- “..... You did, when examined under section 45 of the...
- “..... You did, sequestration having been awarded on your estate...
- “..... You did set fire to a warehouse occupied by...
- “..... You did set fire to the shop in Brown...

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- “..... You did assault Theresa Unwin, your wife, and did...
 “..... You did stab Thomas Underwood, baker, of Shiels Place,...
 “..... You did administer poison to Vincent Wontner, your son,...
 “..... You did strangle Mary Shaw, mill-worker, daughter of John...
 “..... You were delivered of a child now dead or...
 “..... You did assault Hector Morrison, carter, of 20 Buccleuch...
 “..... You did ravish Harriet Cowan, mill-worker, of 27 Tweed...
 “..... You did attempt to ravish Jane Peters, servant, at...
 “..... You did, when acting as railway signalman, cancel a...
 “..... You formed part of a riotous mob, which, acting...
 “..... You did, being the lawful husband of Helen Hargreaves,...
 “..... You being sworn as a witness in a civil...
 “..... You did suborn James Carruthers, scavenger, 12 Hercules Street,...
 “..... You did deforce John Macdonald, a sheriff officer of...

SCHEDULE 3 — Indictments and Complaints

- 1 An accused may be named and designed—
- 2 It shall not be necessary to specify by any nomen...
- 3 It shall not be necessary to allege that any act...
- 4 (1) The latitude formerly used in stating time shall be...
- 5 The word “money” shall include cheques, banknotes, postal orders, money...
- 6 Any document referred to shall be referred to by a...
- 7 In an indictment which charges a crime importing personal injury...
- 8 (1) In an indictment or a complaint charging the resetting...
- 9 (1) Where two or more crimes or acts of crime...
- 10 (1) Under an indictment or, as the case may be,...
- 11 In an indictment or complaint charging a contravention of an...
- 12 In a complaint charging a contravention of an enactment—
- 13 In the case of an offence punishable under any enactment,...
- 14 Where— (a) any act alleged in an indictment or complaint...
- 15 Where the evidence in a trial is sufficient to prove...
- 16 Where, in relation to an offence created by or under...
- 17 It shall be competent to include in one indictment or...
- 18 In any proceedings under the Merchant Shipping Acts it shall...
- 19 In offences inferring dishonest appropriation of property brought before a...

SCHEDULE 4 — Supervision and Treatment Orders

Part I — PRELIMINARY

- 1 (1) In this Schedule “supervision and treatment order” means an...

Part II — MAKING AND EFFECT OF ORDERS

Circumstances in which orders may be made

- 2 (1) The court shall not make a supervision and treatment...

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Making of orders and general requirements

3 (1) A supervision and treatment order shall specify the local...

Obligatory requirements as to medical treatment

4 (1) A supervision and treatment order shall include a requirement...

Optional requirements as to residence

5 (1) Subject to sub-paragraphs (2) to (4) below, a supervision...

Part III — REVOCATION AND AMENDMENT OF ORDERS

Revocation of order in interests of health or welfare

6 Where a supervision and treatment order is in force in...

Amendment of order by reason of change of residence

7 (1) This paragraph applies where, at any time while a...

Amendment of requirements of order

8 (1) Without prejudice to paragraph 7 above, but subject to...

Amendment of requirements in pursuance of medical report

9 (1) Where the medical practitioner by whom or under whose...

Supplemental

10 (1) On the making under paragraph 6 above of an...

11 (1) On the making under paragraph 7 or 8 above...

12 On the making, revocation or amendment of a supervision and...

SCHEDULE 5 — Forms of Complaint and Charges

The following Forms are additional to those contained in Schedule...

You did assault A.L. and strike him with your fists...

You did conduct yourself in a disorderly manner and commit...

You did threaten violence to the lieges and commit a...

You did fight and commit a breach of the peace....

You did publicly expose your person in a shameless and...

You did obtain from A.N. board and lodging to the...

You did maliciously knock down 20 metres of the coping...

You did maliciously place a block of wood on the...

You did drive a horse and cart recklessly to the...

You did break into a poultry house and steal three...

You did steal a coat which you obtained from R.O....

having received from D.G. £6 to hand to E.R., you...

having received from G.R. a watch in loan, you did...

having found a watch, you did, without trying to discover...

You did acquire from K.O., a private in the Third...

You, being a person whose estate has been sequestered, did...

You, being the occupier of the said house, did use...

You did frequent and loiter in the said street for...

You did assault L.S., a constable of the Police, while...

.....

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You did wilfully neglect your children K.I., aged seven years;...
You are the owner of a dog which is dangerous...
You, being a parent of D.U., a child of school...
.....
.....
You did sell and deliver to N.C. to his prejudice...
You did take part in gaming in the street contrary...
...
...
...
...
You did present or cause to be presented to W.E.,...
.....
.....
You did drive a motor car recklessly contrary to section...
You did act as a pedlar without having obtained a...
.....
You did travel in a railway carriage without having previously...
having on within the house No. Street, given birth to...
You did take two salmon during the annual close time...
You had in your possession for use for trade a...

... —

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... ..

SCHEDULE 7 —

- 1
- 2
- 3
- 4
- 5
- 5A
- 6
- 7
- 8

SCHEDULE 8 — Documentary Evidence in Criminal Proceedings

Production of copy documents

- 1 (1) For the purposes of any criminal proceedings a copy...

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Statements in business documents

- 2 (1) Except where it is a statement such as is...
- 3 A statement in a document shall be admissible in criminal...

Documents kept by businesses etc.

- 4 Unless the court otherwise directs, a document may in any...

Statements not contained in business documents

- 5 (1) In any criminal proceedings, the evidence of an authorised...

Additional evidence where evidence from business documents challenged

- 6 (1) This sub-paragraph applies where— (a) evidence has been admitted...

General

- 7 (1) Nothing in this Schedule— (a) shall prejudice the admissibility...
- 8 In this Schedule— “business” includes trade, profession or other occupation;...

SCHEDULE 9 — Certificates as to Proof of Certain Routine Matters

SCHEDULE 9A — The Commission: Further Provisions

Membership

- 1 Her Majesty shall, on the recommendation of the Secretary of...
- 2 (1) Subject to the following provisions of this paragraph, a...

Members and employees

- 3 (1) The Commission shall— (a) pay to members of the...
- 4 (1) The Commission may appoint a chief executive and such...
- 5 The Commission shall pay to the Minister for the Civil...

Procedure

- 6 (1) The arrangements for the procedure of the Commission (including...

Evidence

- 7 A document purporting to be— (a) duly executed under the...

Annual reports and accounts

- 8 (1) As soon as possible after the end of each...
- 9 (1) The Commission shall— (a) keep proper accounts and proper...
- 10 For the purposes of this Schedule the Commission’s financial year...

Expenses

- 11 The Secretary of State shall defray the expenses of the...

SCHEDULE 10 — Certain Offences Triable only Summarily

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Night Poaching Act 1828 (c. 69)

- 1 Offences under section 1 of the Night Poaching Act 1828...

Public Meeting Act 1908 (c.66)

- 2 Offences under section 1(1) of the Public Meeting Act 1908...

Post Office Act 1953 (c. 36)

- 3 Certain Offences Triable only Summarily

Betting, Gaming and Lotteries Act 1963 (c. 2)

- 4 Offences under the following provisions of the Betting, Gaming and...

Theatres Act 1968 (c.54)

- 5 Offences under section 6 of the Theatres Act 1968 (provocation...

Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)

- 6 Offences under section 12(1) of the Criminal Law (Consolidation) (Scotland)...

SCHEDULE 11 — FINANCIAL PENALTIES SUITABLE FOR ENFORCEMENT IN SCOTLAND

Person residing in Scotland

- 1 The financial penalty is suitable for enforcement in Scotland if...

Person having property etc. in Scotland

- 2 The financial penalty is suitable for enforcement in Scotland if—...

Person having property etc. in Scotland and England and Wales

- 3 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in Scotland and Northern Ireland

- 4 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in Scotland and England and Wales and Northern Ireland

- 5 (1) This paragraph applies if— (a) the certificate states that...

Interpretation

- 6 Where the person required to pay the financial penalty is...
7 In this Schedule, unless the context otherwise requires, references to...

SCHEDULE 12 — GROUNDS FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES

PART 1 — THE GROUNDS FOR REFUSAL

- 1 A penalty (of any kind) has been imposed on the...
2 A penalty (of any kind) has been imposed on the...
3 The decision was made in respect of conduct—

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- 4 The decision to which the financial penalty relates was made...
 - 5 The decision to which the financial penalty relates was made...
 - 6 The certificate does not confirm that— (a) if the proceedings...
 - 7 (1) The financial penalty is for an amount of less...
- PART 2 — EUROPEAN FRAMEWORK LIST (FINANCIAL PENALTIES)
- 8 Participation in a criminal organisation.
 - 9 Terrorism.
 - 10 Trafficking in human beings.
 - 11 Sexual exploitation of children and child pornography.
 - 12 Illicit trafficking in narcotic drugs and psychotropic substances.
 - 13 Illicit trafficking in weapons, munitions and explosives.
 - 14 Corruption.
 - 15 Fraud, including that affecting the financial interests of the European...
 - 16 Laundering of the proceeds of crime.
 - 17 Counterfeiting currency, including of the euro.
 - 18 Computer-related crime.
 - 19 Environmental crime, including illicit trafficking in endangered animal species and...
 - 20 Facilitation of unauthorised entry and residence.
 - 21 Murder, grievous bodily injury.
 - 22 Illicit trade in human organs and tissue.
 - 23 Kidnapping, illegal restraint and hostage-taking.
 - 24 Racism and xenophobia.
 - 25 Organised or armed robbery.
 - 26 Illicit trafficking in cultural goods, including antiques and works of...
 - 27 Swindling.
 - 28 Racketeering and extortion.
 - 29 Counterfeiting and piracy of products.
 - 30 Forgery of administrative documents and trafficking therein.
 - 31 Forgery of means of payment.
 - 32 Illicit trafficking in hormonal substances and other growth promoters.
 - 33 Illicit trafficking in nuclear or radioactive materials.
 - 34 Trafficking in stolen vehicles.
 - 35 Rape.
 - 36 Arson.
 - 37 Crimes within the jurisdiction of the International Criminal Court.
 - 38 Unlawful seizure of aircraft or ships.
 - 39 Sabotage.
 - 40 Conduct which infringes road traffic regulations, including breaches of regulations...
 - 41 Smuggling of goods.
 - 42 Infringements of intellectual property rights.
 - 43 Threats and acts of violence against persons, including violence during...
 - 44 Criminal damage.
 - 45 Theft.
 - 46 Offences created by the issuing State and serving the purpose...
- PART 3 — INTERPRETATION
- 47 (1) In this Schedule— (a) “conduct ” includes any...

SCHEDULE13 — TRANSFER OF COMMUNITY PAYBACK ORDERS TO
ENGLAND AND WALES OR NORTHERN IRELAND
PART 1 — ENGLAND AND WALES

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- 1 (1) This paragraph applies where the court is considering imposing...
- 2 (1) This paragraph applies where— (a) an offender on whom...
- 3 (1) This paragraph applies where the court is considering—
- 4 (1) The court may not, in a community payback order...
- 5 (1) This paragraph applies where the court—
- 6 (1) This paragraph applies where the court has—
- 7 (1) In this Part— “the 2003 Act ” means the...
PART 2 — NORTHERN IRELAND
- 8 (1) This paragraph applies where the court is considering imposing...
- 9 (1) This paragraph applies where— (a) an offender on whom...
- 10 (1) This paragraph applies where the court is considering—
- 11 (1) The court may not, in a community payback order...
- 12 (1) This paragraph applies where the court—
- 13 (1) This paragraph applies where the court has—
- 14 (1) In this Part— “the 1996 Order ” means the...

— TABLE OF DERIVATIONS

- 1 *Notes:*
- 2 The following abbreviations are used in the Table:— Acts of...

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