

*Status: Point in time view as at 30/06/2014.*

**Changes to legislation:** Criminal Procedure (Scotland) Act 1995, SCHEDULE 9 is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 9

#### CERTIFICATES AS TO PROOF OF CERTAIN ROUTINE MATTERS

**Modifications etc. (not altering text)**

**C1** Sch. 9: power to amend or repeal conferred (1.4.1996) by 1995 c. 46, ss. 280(2), 309(2)

<b>Enactment</b>	<b>Persons who may purport to sign certificates</b>	<b>Matters which may be certified</b>
The Parks Regulation Acts 1872 to 1974	An officer authorised to do so by the Secretary of State.	That, on a date specified in the certificate— (a) copies of regulations made under those Acts, prohibiting such activity as may be so specified, were displayed at a location so specified; (b) in so far as those regulations prohibited persons from carrying out a specified activity in the park without written permission, such permission had not been given to a person so specified.
F1	F1	F1
F2	F2	F2
F2	F2	F2
The Firearms Act 1968 (c.27)	As respects the matters specified in paragraph (a) of column 3, a constable or a person employed by a police authority, if the constable or person is authorised to do so by the chief constable of the [F3Police Service of Scotland]; and as respects the matters specified in	In relation to a person identified in the certificate, that on a date specified therein— (a) he held, or as the case may be did not hold, a firearm certificate or shotgun certificate (within the meaning of that Act);

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<p>The Misuse of Drugs Act 1971 (c.38) Sections 4, 5, 6, 8, 9, 12, 13, 19 and 20 (various offences concerning controlled drugs).</p>	<p>paragraph (b) of column 3, an officer authorised to do so by the Secretary of State [<sup>F4</sup>or a member of staff of the Scottish Administration who is authorised to do so by the Scottish Ministers].</p> <p>Two analysts who have analysed the substance and each of whom is either a person possessing the qualifications (qualifying persons for appointments as public analysts) prescribed by regulations made under section 76 of the Food Act 1984 (c.30), or section 30 of the Food Safety Act 1990 (c.16), or a person authorised by the Secretary of State to make analyses for the purposes of the provisions of the Misuse of Drugs Act 1971 mentioned in column 1.</p>	<p>(b) he possessed, or as the case may be did not possess, an authority (which as regards a possessed authority, shall be described in the certificate) given under section 5 of that Act by the Secretary of State [<sup>F5</sup>or, by virtue of provision made under section 63 of the Scotland Act 1998, the Scottish Ministers].</p> <p>The type, classification, purity, weight and description of any particular substance, identified in the certificate by reference to a label or otherwise, which is alleged to be a controlled drug within the meaning of section 2 of the Act referred to in column 1.</p>
<p>The Immigration Act 1971 (c.77) Section 24(1)(a) in so far as it relates to entry in breach of a deportation order, section 24(1)(b) and section 26(1)(f) in so far as it relates to a requirement of regulations (various offences concerning persons entering, or remaining in, the United Kingdom).</p>	<p>An officer authorised to do so by the Secretary of State.</p>	<p>In relation to a person identified in the certificate—                  (a) the date, place or means of his arrival in, or any removal of him from, the United Kingdom;                  (b) any limitation on, or condition attached to, any leave for him to enter or remain in the United Kingdom;                  (c) the date and method of service of any notice of, or of variations of conditions attached to, such leave.</p>
<p>F6</p>	<p>F6</p>	<p>F6</p>
<p>F7</p>	<p>F7</p>	<p>F7</p>
<p>Customs and Excise Management Act 1979 The</p>	<p>Two officials authorised to do so by the Secretary of</p>	<p>That the coin or note identified in the certificate</p>

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following provisions in so far as they have effect in relation to the prohibitions contained in sections 20 and 21 of the Forgery and Counterfeiting Act 1981 namely:— Sections 50(2) and (3) Section 68; and Section 170 (various offences committed in connection with contraventions of prohibitions on the import and export of counterfeit or currency notes or protected coins).	State, being officials of the authority or body which may lawfully issue the currency notes or protected coins referred to in column 3 hereof.	by reference to a label or otherwise is a counterfeit of a currency note or protected coin; where “currency note” has the meaning assigned to it by section 27(1)(a) of the Forgery and Counterfeiting Act 1981, and “protected coin” means any coin which is customarily used as money in the United Kingdom, any of the Channel Islands, the Isle of Man or the Republic of Ireland.
The Forgery and Counterfeiting Act 1981 Sections 14 to 16 (certain offences relating to counterfeiting).	Two officials authorised to do so by the Secretary of State, being officials of the authority or body which may lawfully issue the currency notes or protected coins referred to in column 3 hereof.	That the coin or note identified in the certificate by reference to a label or otherwise is a counterfeit of a currency note or protected coin; where “currency note” has the meaning assigned to it by section 27(1)(a) of the Forgery and Counterfeiting Act 1981, and “protected coin” means any coin which is customarily used as money in the United Kingdom, any of the Channel Islands, the Isle of Man or the Republic of Ireland.
The Wildlife and Countryside Act 1981 (c. 69) [F8 Sections 1, 5, 6(1) to (3), 7, 8, 9(1), (2), (4) and (5), 10A(1), 11(1) and (2), 11G(1), 11I(1), 13(1) and (2), 14, 14ZC and 14A] (certain offences relating to protection of wild animals or wild plants).	An officer of the appropriate authority (within the meaning of section 16(9) of that Act) authorised to do so by the authority.	In relation to a person specified in the certificate that, on a date so specified, he held, or as the case may be did not hold, a licence under section 16 of that Act and, where he held such a licence— (a) the purpose for which the licence was granted; and (b) the terms and conditions of the licence.
The Civic Government (Scotland) Act 1982 (c.45)	A person authorised to do so by the Secretary of State.	In relation to a person identified in the certificate, that on a date specified therein he held, or as the case may be, did not hold, a licence under a provision so specified of that Act.

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<p>The Road Traffic Regulation Act 1984 (c. 27)</p>	<p>Two police officers who have tested the apparatus.</p>	<p>The accuracy of any particular—</p> <ul style="list-style-type: none"> <li>(a) speedometer fitted to a police vehicle;</li> <li>(b) odometer fitted to a police vehicle;</li> <li>(c) radar meter; or</li> <li>(d) apparatus for measuring speed, time or distance, identified in the certificate by reference to its number or otherwise.</li> </ul>
<p>The Video Recordings Act 1984 (c. 39) Sections 9 to 14 (offences relating to the supply and possession of video recordings in contravention of that Act).</p>	<p>[<sup>F9</sup>A person authorised to do so by the Secretary of State, being a person who has examined the record maintained in pursuance of arrangements made by the designated authority and in the case of a certificate in terms of—</p> <ul style="list-style-type: none"> <li>(a) sub-paragraph (a) in column 3, the video work mentioned in that sub-paragraph;</li> <li>(b) sub-paragraph (b) in that column, both video works mentioned in that sub-paragraph.]</li> </ul>	<p>[That the record shows any of the following-</p> <ul style="list-style-type: none"> <li>(a) in respect of a video work (or part of a video work) contained in a video recording identified by the certificate, that by a date specified no classification certificate had been issued;</li> <li>(b) in respect of a video work which is the subject of a certificate under sub-paragraph (a) above, that the video work differs in a specified way from another video work contained in a video recording identified in the certificate under this sub-paragraph and that, on a date specified, a classification certificate was issued in respect of that other video work;</li> <li>(c) that, by a date specified, no classification certificate had been issued in respect of a video work having a particular title</li> <li>(d) that on the date specified, a classification certificate was issued in respect of a video work having a particular title and that a document which is identified in the certificate under this sub-paragraph is a copy of the classification certificate so issued;</li> </ul> <p>expressions used in column 2, or in this column, of this entry being construed in</p>

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		accordance with that Act; and in each of sub-paragraphs (a) to (d) above “specified” means specified in the certificate under that sub-paragraph.]
The Road Traffic Act 1988 (c. 52) Section 165(3) (offence of failure to give name and address and to produce vehicle documents when required by constable).	A constable.	In relation to a person specified in the certificate, that he failed, by such date as may be so specified, to produce such documents as may be so specified at a police station so specified.
The Control of Pollution (Amendment) Act 1989 (c.14) Section 1 (offence of transporting controlled waste without registering).	An officer of a regulation authority within the meaning of that Act authorised to do so by the authority.	In relation to a person specified in the certificate, that on a date so specified he was not a registered carrier of controlled waste within the meaning of that Act.
The Environmental Protection Act 1990 (c.43) Section 33(1)(a) and (b) (prohibition on harmful depositing, treatment or disposal of waste).	An officer of a waste regulation authority within the meaning of that Act authorised to do so by the authority.	In relation to a person specified in the certificate that, on a date so specified, he held, or as the case may be he did not hold, a waste management licence.
Section 34(1)(c) (duty of care as respects transfer of waste).	An officer of a waste regulation authority within the meaning of that Act authorised to do so by the authority.	In relation to a person specified in the certificate, that on a date so specified he was not an authorised person within the meaning of section 34(3)(b) or (d) of that Act.
The Social Security Administration Act 1992 (c.5) [F10Section 112(1)] (false statements etc. to obtain payments).	Any officer authorised to do so by the Secretary of State.	In relation to a person identified in the certificate— (a) the assessment, award, or nature of any benefit applied for by him; (b) the transmission or handing over of any payment to him.
The Criminal Justice and Public Order Act 1994 (c. 33) Paragraph 5 of Schedule 6 (offence of making false statements to obtain certification as prisoner custody officer).	An officer authorised to do so by the Secretary of State.	That— (a) on a date specified in the certificate, an application for a certificate under section 114 of that Act was received from a person so specified; (b) the application contained a statement so specified; (c) a person so specified made, on a date so specified,

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This Act. Sections 24(3) to (8), [F1125, 27 to 29 and 90C(1)]	The Clerk of Justiciary or the clerk of court.	a statement in writing in terms so specified.  In relation to a person specified in the certificate, that— (a) an order granting bail under that Act was made on a date so specified by a court so specified; (b) the order or a condition of it so specified was in force on a date so specified; (c) notice of the time and place appointed for a diet so specified was given to him in a manner so specified; (d) as respects a diet so specified, he failed to appear.
Section 150(8) (offence of failure of accused to appear at diet after due notice).	The clerk of court.	That, on a date specified in the certificate, he gave a person so specified, in a manner so specified, notice of the time and place appointed for a diet so specified.
[F12The Communications Act 2003 Section 363(1) and (2) (offence of unauthorised installation or use of a television receiver)	A person authorised to do so by the British Broadcasting Corporation	In relation to premises at an address specified in the certificate, whether on a date so specified any television licence (for the purposes of that section) was, in records maintained on behalf of the Corporation in relation to such licences, recorded as being in force; and, if so, particulars so specified of such record of that licence.]
[F13The Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), section 45(1).	An officer of a local authority within the meaning of that Act authorised to do so by the authority.	That a level of noise specified in the certificate was measured at a time and in a place specified in the certificate using an approved device within the meaning of that Act.]
[F14The Building (Scotland) Act 2003 (asp 8)  Section 8(1) and (2) (prohibition of work for construction or demolition of, or provision of services, fittings or equipment for,	An officer of a local authority authorised to do so by the authority	In relation to a building specified in the certificate, that on a date so specified, the local authority had not—

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building, or conversion of building, without warrant)		(a) granted a warrant under section 9 for the work or, as the case may be, conversion, or (b) received a copy of such a warrant granted by a verifier other than the authority
Section 21(5) (offence of occupying building when no completion certificate has been accepted)	An officer of a local authority authorised to do so by the authority	That, on a date specified in the certificate, the local authority had not— (a) accepted under section 18(1) a completion certificate in respect of construction or conversion in relation to a building so specified, (b) received a copy of such a certificate accepted under section 18(1) by a verifier other than the authority, or (c) received a copy of a permission for temporary occupation or use of the building so specified granted under section 21(3)
Section 43(1) (offence of occupying building, following evacuation, without notice from local authority)	An officer of a local authority authorised to do so by the authority	That, on a date specified in the certificate, the local authority had not given a person notice under section 42(7)]
F15 ...	F15 ...	F15 ...
[ <sup>F16</sup> The Licensing (Scotland) Act 2005 (asp 16).	A person authorised to do so by the Scottish Ministers.	In relation to a person identified in the certificate, that on a date specified in that certificate that person held, or as the case may be did not hold, a licence issued under that Act.  In relation to a premises licence or occasional licence issued under that Act and held by a person identified in the certificate, the conditions to which that licence is subject.]

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[<sup>F17</sup>The Water Environment  
(Controlled Activities)  
(Scotland) Regulations 2011  
(S.S.I. 2011/209)

Regulation 44

A person authorised to do so by the Scottish Environment Protection Agency

That the person has analysed a sample identified in the certificate (by label or otherwise) and that the sample is of a nature and composition specified in the certificate.

Regulations made by virtue of section 18 of the Regulatory Reform (Scotland) Act 2014 (asp 3)

A person authorised to do so by a regulator (within the meaning of paragraph 3(1) of schedule 2 to that Act)

That the person has analysed a sample identified in the certificate (by label or otherwise) and that the sample is of a nature and composition specified in the certificate.

In relation to a person specified in the certificate that, on a date and in relation to an activity so specified, the person held or, as the case may be, did not hold a permit (within the meaning of paragraph 34 of schedule 2 to that Act) granted by such a regulator and, where the person held such a permit, any condition to which the permit is subject.

In relation to a person specified in the certificate that, on a date and in relation to an activity so specified, the person held or, as the case may be, did not hold registration (within the meaning of paragraph 34 of schedule 2 to that Act) granted by such a regulator and, where the person held such registration—

- (a) any condition to which the registration is subject;
- (b) whether the registration subsisted on the date specified in the certificate.



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In relation to a person specified in the certificate that, on a date and in relation to an activity so specified, the person had given notification (within the meaning of paragraph 34 of schedule 2 to that Act) to such a regulator and, where the person gave such notification, whether the notification subsisted on the date specified in the certificate.

In relation to a permit or registration (in each case within the meaning of paragraph 34 of schedule 2 to that Act) a description of any variation, transfer, surrender, suspension or revocation of the permit or registration.

In relation to a person specified in the certificate that, on a date so specified, such regulator served on the person a notice mentioned in paragraph 18 of schedule 2 to that Act.

That such a regulator has, in pursuance of paragraph 4(3)(d) of schedule 2 to that Act, made general binding rules as mentioned in that paragraph, or has, in pursuance of paragraph 11 of that schedule, made standard rules as mentioned in that paragraph; and the content of those general binding rules or standard rules.]

#### Textual Amendments

- F1** Sch. 9 Table: entry repealed (1.4.2004) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2)(3), [Sch. 19\(1\)](#); S.I. 2003/3142, [art. 4\(2\)](#), Sch. 2 (with savings in art. 11)
- F2** Sch. 9 Table: entry repealed (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), ss. 58, 59, [Sch. 6 para. 22\(a\)](#); S.S.I. 2004/404, [art. 2\(1\)](#)
- F3** Words in Sch. 9 substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 12\(11\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

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- F4** Words in Sch. 9 inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 122(5)(a)**; S.I. 1998/3178, **art. 3**
- F5** Words in Sch. 9 inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 122(5)(b)**; S.I. 1998/3178, **art. 3**
- F6** Sch. 9 Table: entry repealed (1.4.2006) by **The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181)**, art. 2, **Sch. Pt. IV para. 9(2)(a)**
- F7** Sch. 9: entry relating to "the Licensing (Scotland) Act 1976" repealed (1.9.2009 at 5.00 a.m.) by **The Licensing (Scotland) Act 2005 (Consequential Provisions) Order 2009 (S.S.I. 2009/248)**, arts. 1(1), 2(2), **Sch. 2**
- F8** Words in Sch. 9 substituted (2.7.2012) by **The Wildlife and Natural Environment (Scotland) Act 2011 (Consequential Modifications) Order 2012 (S.S.I. 2012/215)**, reg. 1, **sch. para. 1**
- F9** Words in Sch. 9 substituted (1.8.1997) by 1997 c. 48, **s. 30(2)(3)**; S.I. 1997/1712, art. 3, **Sch.** (subject to arts. 4, 5)
- F10** Words in Sch. 9 substituted (4.7.1996) by 1996 c. 25, **s. 73(4)**
- F11** Sch. 9 Table: words substituted (1.2.2005) by **Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5)**, ss. 25, 27(1), **Sch. para. 58**; S.S.I. 2004/405, **art. 2(1)**, Sch. 1 (subject to transitional provisions and savings in arts. 3-5)
- F12** Sch. 9 Table: words inserted (1.4.2004) by **Communications Act 2003 (c. 21)**, ss. 406, 411(2)(3), **Sch. 17 para. 133(3)**; S.I. 2003/3142, {art. 4(2)}, Sch. 2 (with savings in art. 11)
- F13** Sch. 9 Table: entry inserted (1.12.2004) by **Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)**, ss. 144(1), 145(2), **Sch. 4 para. 5(12)**; S.S.I. 2004/420, **art. 3**, Sch. 3
- F14** Sch. 9 Table: entries inserted (1.5.2005) by **Building (Scotland) Act 2003 (asp 8)**, ss. 58, 59, **Sch. 6 para. 22(b)**; S.S.I. 2004/404, **art. 2(1)**
- F15** Words in Sch. 9 omitted (30.6.2014) by virtue of **Regulatory Reform (Scotland) Act 2014 (asp 3)**, s. 61(2), **sch. 3 para. 31(4)(a)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F16** Sch. 9 Table: entries inserted (1.9.2009 at 5.00 a.m.) by **The Licensing (Scotland) Act 2005 (Consequential Provisions) Order 2009 (S.S.I. 2009/248)**, arts. 1(1), 2(1), **Sch. 1 para. 6**
- F17** Words in Sch. 9 inserted (30.6.2014) by **Regulatory Reform (Scotland) Act 2014 (asp 3)**, s. 61(2), **sch. 3 para. 31(4)(b)**; S.S.I. 2014/160, art. 2(1)(2), sch.

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