

Status: Point in time view as at 06/04/2001.

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SCHEDULES

SCHEDULE 1

OFFENCES AGAINST CHILDREN UNDER THE AGE OF 17 YEARS TO WHICH SPECIAL PROVISIONS APPLY

- 1 Any offence under Part I of the ^{M1}Criminal Law (Consolidation) (Scotland) Act 1995.

Marginal Citations

M1 1995 c.39.

PROSPECTIVE

- [^{F1}1A Any offence under section 18 (rape of a young child) or 28 (having intercourse with an older child) of the Sexual Offences (Scotland) Act 2009 (asp 9).

Textual Amendments

F1 Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

- 1B Any offence under section 19 (sexual assault on a young child by penetration) or 29 (engaging in penetrative sexual activity with or towards an older child) of that Act.

Textual Amendments

F1 Sch. 1 paras. 1A -1D inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61, 62(2), [Sch. 5 para. 2\(8\)\(a\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

PROSPECTIVE

- 1C Any offence under section 20 (sexual assault on a young child) or 30 (engaging in sexual activity with or towards an older child) of that Act.

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Textual Amendments

- F1** Sch. 1 paras. 1A -1D inserted (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), ss. 61, 62(2), Sch. 5 para. 2(8)(a); S.S.I. 2010/357, art. 2(a)

PROSPECTIVE

- 1D** Any offence under section 42 of that Act (sexual abuse of trust) towards a child under the age of 17 years but only if the condition set out in section 43(6) of that Act is fulfilled.]

Textual Amendments

- F1** Sch. 1 paras. 1A -1D inserted (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), ss. 61, 62(2), Sch. 5 para. 2(8)(a); S.S.I. 2010/357, art. 2(a)

- 2** Any offence under section 12, 15, 22 or 33 of the ^{M2}Children and Young Persons (Scotland) Act 1937.

Marginal Citations

- M2** 1987 c. 41.

VALID FROM 01/09/2005

- [^{F2}2A** Any offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005 where the person mutilated or, as the case may be, proposed to be mutilated, is a child under the age of 17 years.]

Textual Amendments

- F2** Sch. 1 para. 2A inserted (1.9.2005) by Prohibition of Female Genital Mutilation (Scotland) Act 2005 (asp 8), ss. 7(1), 8(2)

VALID FROM 07/10/2005

- 2B** Any offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 in relation to an indecent photograph of a child under the age of 17 years.

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VALID FROM 07/10/2005

[^{F3}2C Any offence under section 1, 9, 10, 11 or 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 in respect of a child under the age of 17 years.]

Textual Amendments

F3 Sch. 1 para. 2B, 2C inserted (7.10.2005) by Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9), ss. 18, 20(2), **Sch. para. 2**; S.S.I. 2005/480, **art. 2** (with savings in art. 3)

3 Any other offence involving bodily injury to a child under the age of 17 years.

4 Any offence involving the use of lewd, indecent or libidinous practice or behaviour towards a child under the age of 17 years.

PROSPECTIVE

[^{F4}4A Any offence under section 5 (coercing a person into being present during a sexual activity), 6 (coercing a person into looking at a sexual image), 7 (communicating indecently etc.), 8 (sexual exposure) or 9 (voyeurism) of the Sexual Offences (Scotland) Act 2009 (asp 9) towards a child under the age of 17 years.

Textual Amendments

F4 Sch. 1 paras. 4A, 4B inserted (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), ss. 61, 62(2), **Sch. 5 para. 2(8)(b)**; S.S.I. 2010/357, **art. 2(a)**

4B Any offence under any of sections 21 to 26 or 31 to 37 of that Act (certain sexual offences relating to children).]

PROSPECTIVE

Textual Amendments

F4 Sch. 1 paras. 4A, 4B inserted (1.12.2010) by Sexual Offences (Scotland) Act 2009 (asp 9), ss. 61, 62(2), **Sch. 5 para. 2(8)(b)**; S.S.I. 2010/357, **art. 2(a)**

SCHEDULE 2

Sections 34 & 64(2)

EXAMPLES OF INDICTMENTS

“A.B.(name and address, that given in the declaration being sufficient), you are indicted at the instance of A. F. R.(name of Lord Advocate), Her Majesty’s Advocate, and the charge against you is that on 20th 199 , in a shop in George Street, Edinburgh, occupied by John Cruikshank, draper, you did steal a shawl and a boa.”

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“..... You did rob Charles Doyle, a cattle dealer, of Biggar, Lanarkshire, of a watch and chain and £36 of money.....”

“..... You did break into the house occupied by Andrew Howe, banker’s clerk, and did there steal twelve spoons, a ladle, and a candlestick.....”

“..... You did force open (*or* attempt to force open) a lockfast cupboard and did thus attempt to steal therefrom.....”

“..... You did place your hand in one of the packets of Thomas Kerr, commercial traveller, 115 Main Street, Perth, and did thus attempt to steal.....”

“..... You did assault Lewis Mann, station-master of Earlston, and compress his throat and attempt to take from him a watch and chain.....”

“..... You did, while in the employment of James Pentland, accountant in Frederick Street, Edinburgh, embezzle £4,075 of money.....”

“..... You did, while acting as commercial traveller to Brown and Company, merchants in Leith, at the times and places specified in the inventory hereto subjoined, receive from the persons therein set forth the respective sums of money therein specified for the said Brown and Company, and did embezzle the same (*or* did embezzle £470 of money, being part thereof).....”

“..... You did pretend to Norah Omond, residing there, that you were a collector of subscriptions for a charitable society, and did thus induce her to deliver to you £15 of money as a subscription thereto, which you appropriated to your own use.....”

“..... You did reset a watch and chain, pocket book and £15.55 of money, the same having been dishonestly appropriated by theft or robbery.....”

“..... You did utter as genuine a bill, on which the name of John Jones bore to be signed as acceptor, such signature being forged by (*here describe in general terms how the bill was uttered, and add where the bill is produced*), and said bill of exchange is No. of the productions lodged herewith.....”

“..... You did utter as genuine a letter bearing to be a certificate of character of you, as a domestic servant, by Mary Watson, of 15 Bon Accord Street, Aberdeen, what was written above the signature of Mary Watson having been written there by some other person without her authority by handing it to Ellen Chisholm of Panmore Street, Forfar, to whom you were applying for a situation (*here add when the letter is produced*), and said letter is No. of the productions lodged herewith.....”

“..... You did utter a cheque signed by Henry Smith for £8 sterling, which had been altered without his authority by adding the letter Y to eight and the figure 0 to figure 8, so as to make it read as a cheque for £80 sterling, by presenting such altered cheque for payment to Allen Brown, Cashier of the Bank of Scotland at Callander (*here add when the cheque is produced*), and said cheque is No. of the productions lodged herewith.....”

“..... You did, when examined under section 45 of the ^{M3}Bankruptcy (Scotland) Act 1985 before Hubert Hamilton Esquire, sheriff of the Lothians and Borders, depone (*here state the general nature of the false statement*), in order to defraud your creditors.....”

“..... You did, sequestration having been awarded on your estate on the 20th March 1991, conceal property consisting of (*here state generally the property concealed*), falling under your sequestration, in order to defraud your creditor, by burying it in the garden of your house in Troon Street, Kilmarnock (*or* by removing it to the house of James Kidd, your son, No. 17 Greek Street, Port-Glasgow).....”

“..... You did set fire to a warehouse occupied by Peter Cranston in Holly Lane, Greenock, and the fire took effect on said warehouse, and this you did wilfully (*or* culpably and recklessly).....”

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“..... You did set fire to the shop in Brown Street, Blairgowrie, occupied by you, with intent to defraud the Liverpool, London, and Globe Insurance Company, and the fire took effect on said shop.....”

“..... You did assault Theresa Unwin, your wife, and did beat her and did murder her.....”

“..... You did stab Thomas Underwood, baker, of Shiels Place, Oban, and did murder him.....”

“..... You did administer poison to Vincent Wontner, your son, and did murder him.....”

“..... You did strangle Mary Shaw, mill-worker, daughter of John Shaw, residing at Juniper Green, in the county of Midlothian, and did murder her.....”

“..... You were delivered of a child now dead or amissing, and you did conceal your pregnancy and did not call for or use assistance at the birth, contrary to the Concealment of Birth (Scotland) Act 1809.....”

“..... You did assault Hector Morrison, carter, of 20 Buccleuch Street, Dalkeith, and did beat him with your fists and with a stick, and did break his arm.....”

“..... You did ravish Harriet Cowan, mill-worker, of 27 Tweed Row, Peebles.....”

“..... You did attempt to ravish Jane Peters, servant, at Glen House, near Dunbar.....”

“..... You did, when acting as railway signalman, cancel a danger signal and allow a train to enter on a part of the line protected by the signals under your charge, and did cause a collision, and did kill William Peters, commercial traveller, of Brook Street, Carlisle, a passenger in said train.....”

“..... You formed part of a riotous mob, which, acting of common purpose, obstructed A. B., C. D., and E. F., constables of the Northern constabulary on duty, and assaulted them, and forcibly took two persons whom they had arrested from their custody.....”

“..... You did, being the lawful husband of Helen Hargreaves, of 20 Teviot Row, Edinburgh, and she being still alive, bigamously marry Dorothy Rose, a widow, of 7 Blacks Row, Brechin, and did cohabit with her as her husband.....”

“..... You being sworn as a witness in a civil cause, then proceeding in the sheriff court, deponed (*here set forth the statements said to be false*) the truth as you knew being that (*here state the true facts*).....”

“..... You did suborn James Carruthers, scavenger, 12 Hercules Street, Edinburgh, to depone as a witness in the sheriff court of Edinburgh, that (*here set forth the statements said to be false*), and he did (*time and place*) depone to that effect, the truth as you knew being (*here state the true facts*).....”

“..... You did deforce John Macdonald, a sheriff officer of Renfrewshire, and prevent him serving a summons issued by the sheriff of Renfrewshire upon Peter M’Innes, market gardener in Renfrew.....”

Marginal Citations

M3 1985 c. 66.

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SCHEDULE 3

Sections 64(6) and 138(4)

INDICTMENTS AND COMPLAINTS

- 1 An accused may be named and designed—
 - (a) according to the existing practice; or
 - (b) by the name given by him and designed as of the place given by him as his residence when he is examined or further examined; or
 - (c) by the name under which he is committed until liberated in due course of law.
- 2 It shall not be necessary to specify by any *nomen juris* the offence which is charged, but it shall be sufficient that the indictment or complaint sets forth facts relevant and sufficient to constitute an indictable offence or, as the case may be, an offence punishable on complaint.
- 3 It shall not be necessary to allege that any act or commission or omission charged was done or omitted to be done “wilfully” or “maliciously”, or “wickedly and feloniously”, or “falsely and fraudulently” or “knowingly”, or “culpably and recklessly”, or “negligently”, or in “breach of duty”, or to use such words as “knowing the same to be forged”, or “having good reason to know”, or “well knowing the same to have been stolen”, or to use any similar words or expressions qualifying any act charged, but such qualifying allegation shall be implied in every case.
- 4
 - (1) The latitude formerly used in stating time shall be implied in all statements of time where an exact time is not of the essence of the charge.
 - (2) The latitude formerly used in stating any place by adding to the word “at”, or to the word “in”, the words “or near”, or the words “or in the near neighbourhood thereof” or similar words, shall be implied in all statements of place where the actual place is not of the essence of the charge.
 - (3) Subject to sub-paragraph (4) below, where the circumstances of the offence charged make it necessary to take an exceptional latitude in regard to time or place it shall not be necessary to set forth the circumstances in the indictment, or to set forth that the particular time or the particular place is to the prosecutor unknown.
 - (4) Where exceptional latitude is taken as mentioned in sub-paragraph (3) above, the court shall, if satisfied that such exceptional latitude was not reasonable in the circumstances of the case, give such remedy to the accused by adjournment of the trial or otherwise as shall seem just.
 - (5) Notwithstanding sub-paragraph (4) above, nothing in any rule of law shall prohibit the amendment of an indictment or, as the case may be, a complaint to include a time outwith the exceptional latitude if it appears to the court that the amendment would not prejudice the accused.
 - (6) The latitude formerly used in describing quantities by the words “or thereby”, or the words “or part thereof”, or the words “or some other quantity to the prosecutor unknown” or similar words, shall be implied in all statements of quantities.
 - (7) The latitude formerly used in stating details connected with the perpetration of any act regarding persons, things or modes by inserting general alternative statements followed by the words “to the prosecutor unknown” or similar words, shall be implied in every case.

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- (8) In this paragraph references to latitude formerly used are references to such use before the commencement of—
- (a) in the case of proceedings on indictment, the ^{M4}Criminal Procedure (Scotland) Act 1887; and
 - (b) in the case of summary proceedings, ^{M5}the Summary Jurisdiction (Scotland) Act 1908.

Marginal Citations

M4 50 & 51 Vict. c. 35.

M5 1954 c. 48.

- 5 The word “money” shall include cheques, banknotes, postal orders, money orders and foreign currency.
- 6 Any document referred to shall be referred to by a general description and, where it is to be produced in proceedings on indictment, by the number given to it in the list of productions for the prosecution.
- 7 In an indictment which charges a crime importing personal injury inflicted by the accused, resulting in death or serious injury to the person, the accused may be lawfully convicted of the aggravation that the assault or other injurious act was committed with intent to commit such crime.
- 8 (1) In an indictment or a complaint charging the resetting of property dishonestly appropriated—
- (a) having been taken by theft or robbery; or
 - (b) by breach of trust, embezzlement or falsehood, fraud and wilful imposition, it shall be sufficient to specify that the accused received the property, it having been dishonestly appropriated by theft or robbery, or by breach of trust and embezzlement, or by falsehood, fraud and wilful imposition, as the case may be.
- (2) Under an indictment or a complaint for robbery, theft, breach of trust and embezzlement or falsehood, fraud and wilful imposition, an accused may be convicted of reset.
- (3) Under an indictment or a complaint for robbery, breach of trust and embezzlement, or falsehood, fraud and wilful imposition, an accused may be convicted of theft.
- (4) Under an indictment or a complaint for theft, an accused may be convicted of breach of trust and embezzlement, or of falsehood, fraud and wilful imposition, or may be convicted of theft, although the circumstances proved may in law amount to robbery.
- (5) The power conferred by sub-paragraphs (2) to (4) above to convict a person of an offence other than that with which he is charged shall be exercisable by the sheriff court before which he is tried notwithstanding that the other offence was committed outside the jurisdiction of that sheriff court.
- 9 (1) Where two or more crimes or acts of crime are charged cumulatively, it shall be lawful to convict of any one or more of them.
- (2) Any part of the charge in an indictment or complaint which itself constitutes an indictable offence or, as the case may be an offence punishable on complaint, shall be separable and it shall be lawful to convict the accused of that offence.

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- (3) Where any crime is charged as having been committed with a particular intent or with particular circumstances of aggravation, it shall be lawful to convict of the crime without such intent or aggravation.
- 10 (1) Under an indictment or, as the case may be, a complaint which charges a completed offence, the accused may be lawfully convicted of an attempt to commit the offence.
- (2) Under an indictment or complaint charging an attempt, the accused may be convicted of such attempt although the evidence is sufficient to prove the completion of the offence said to have been attempted.
- (3) Under an indictment or complaint which charges an offence involving personal injury inflicted by the accused, resulting in death or serious injury to the person, the accused may be lawfully convicted of the assault or other injurious act, and may also be lawfully convicted of the aggravation that the assault or other injurious act was committed with intent to commit such offence.
- 11 In an indictment or complaint charging a contravention of an enactment the description of the offence in the words of the enactment contravened, or in similar words, shall be sufficient.
- 12 In a complaint charging a contravention of an enactment—
- (a) the statement that an act was done contrary to an enactment shall imply a statement—
- (i) that the enactment applied to the circumstances existing at the time and place of the offence;
- (ii) that the accused was a person bound to observe the enactment;
- (iii) that any necessary preliminary procedure had been duly gone through; and
- (iv) that all the circumstances necessary to a contravention existed, and, in the case of the contravention of a subordinate instrument, such statement shall imply a statement that the instrument was duly made, confirmed, published and generally made effectual according to the law applicable, and was in force at the time and place in question; and
- (b) where the offence is created by more than one section of one or more statutes or subordinate instruments, it shall be necessary to specify only the leading section or one of the leading sections.
- 13 In the case of an offence punishable under any enactment, it shall be sufficient to allege that the offence was committed contrary to the enactment and to refer to the enactment founded on without setting out the words of the enactment at length.
- 14 Where—
- (a) any act alleged in an indictment or complaint as contrary to any enactment is also criminal at common law; or
- (b) where the facts proved under the indictment or complaint do not amount to a contravention of the enactment, but do amount to an offence at common law,
- it shall be lawful to convict of the common law offence.
- 15 Where the evidence in a trial is sufficient to prove the identity of any person, corporation or company, or of any place, or of anything, it shall not be a valid objection to the sufficiency of the evidence that any particulars specified in the indictment or complaint relating to such identity have not been proved.

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- 16 Where, in relation to an offence created by or under an enactment any exception, exemption, proviso, excuse, or qualification, is expressed to have effect whether by the same or any other enactment, the exception, exemption, proviso, excuse or qualification need not be specified or negatived in the indictment or complaint, and the prosecution is not required to prove it, but the accused may do so.
- 17 It shall be competent to include in one indictment or complaint both common law and statutory charges.
- 18 In any proceedings under the Merchant Shipping Acts it shall not be necessary to produce the official register of the ship referred to in the proceedings in order to prove the nationality of the ship, but the nationality of the ship as stated in the indictment or, as the case may be, complaint shall, in the absence of evidence to the contrary, be presumed.
- 19 In offences inferring dishonest appropriation of property brought before a court whose power to deal with such offences is limited to cases in which the value of such property does not exceed level 4 on the standard scale it shall be assumed, and it shall not be necessary to state in the charge, that the value of the property does not exceed that sum.

SCHEDULE 4

Section 57(5).

SUPERVISION AND TREATMENT ORDERS

PART I

PRELIMINARY

- 1 (1) In this Schedule “supervision and treatment order” means an order requiring the person in respect of whom it is made (“the supervised person”)—
- (a) to be under the supervision of a social worker who is an officer of the local authority for the area where the supervised person resides or is to reside (in this Schedule referred to as “the supervising officer”) for such period, not being more than three years, as is specified in the order;
 - (b) to comply during that period with instructions given to him by the supervising officer regarding his supervision; and
 - (c) to submit during that period to treatment by or under the direction of a medical practitioner with a view to the improvement of his mental condition.
- (2) The Secretary of State may by order amend sub-paragraph (1) above by substituting, for the period for the time being specified in that sub-paragraph, such period as may be specified in the order.
- (3) An order under sub-paragraph (2) above may make any amendment to paragraph 8(2) below which the Secretary of State considers necessary in consequence of the order.
- (4) The power of the Secretary of State to make orders under sub-paragraph (2) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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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 order unless it is satisfied—
- (a) that, having regard to all the circumstances of the case, the making of such an order is the most suitable means of dealing with the person; and
 - (b) on the written or oral evidence of two or more medical practitioners approved for the purposes of section 20 or 39 of the ^{M6}Mental Health (Scotland) Act 1984, that the mental condition of the person—
 - (i) is such as requires and may be susceptible to treatment; but
 - (ii) is not such as to warrant the making of an order under paragraph (a) of subsection (2) of section 57 of this Act (whether with or without an order under paragraph (b) of that subsection) or an order under paragraph (c) of that subsection.
- (2) The court shall not make a supervision and treatment order unless it is also satisfied—
- (a) that the supervising officer intended to be specified in the order is willing to undertake the supervision; and
 - (b) that arrangements have been made for the treatment intended to be specified in the order.
- (3) Subsections (3) to (5) of section 61 of this Act shall have effect with respect to proof of a person’s mental condition for the purposes of sub-paragraph (1) above as they have effect with respect to proof of an offender’s mental condition for the purposes of section 58(1)(a) of this Act.

Marginal Citations

M6 1984 c. 36.

Making of orders and general requirements

- 3 (1) A supervision and treatment order shall specify the local authority area in which the supervised person resides or will reside.
- (2) Before making such an order, the court shall explain to the supervised person in ordinary language—
- (a) the effect of the order (including any requirements proposed to be included in the order in accordance with paragraph 5 below); and
 - (b) that the sheriff court for the area in which the supervised person resides or will reside (in this Schedule referred to as “the relevant sheriff court”) has power under paragraphs 6 to 8 below to review the order on the application either of the supervised person or of the supervising officer.
- (3) After making such an order, the court shall forthwith give a copy of the order to—
- (a) the supervised person;
 - (b) the supervising officer;

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- [^{F5}(bb) the medical practitioner by whom or under whose supervision the supervised person is to be treated under the order;] and
 - (c) the person in charge of any institution in which the supervised person is required by the order to reside.
- (4) After making such an order, the court shall also send to the relevant sheriff court—
- (a) a copy of the order; and
 - (b) such documents and information relating to the case as it considers likely to be of assistance to that court in the exercise of its functions in relation to the order.
- (5) Where such an order is made, the supervised person shall comply with such instructions as he may from time to time be given by the supervising officer regarding his supervision and shall keep in touch with that officer and notify him of any change of address.

Textual Amendments

F5 Sch. 4 para. 3(3)(bb) inserted (1.1.1998) by 1997 c. 48, s. 62(1), **Sch. 1 para. 21(35)(a)**; S.I. 1997/2323, art. 4, **Sch. 2** (subject to art. 7)

Obligatory requirements as to medical treatment

- 4 (1) A supervision and treatment order shall include a requirement that the supervised person shall submit, during the period specified in the order, to treatment by or under the direction of a medical practitioner with a view to the improvement of his mental condition.
- (2) The treatment required by the order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
- (a) treatment as a non-resident patient at such institution or place as may be specified in the order; and
 - (b) treatment by or under the direction of such medical practitioner as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b) above.
- (3) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of a supervision and treatment order is of the opinion that part of the treatment can be better or more conveniently given at an institution or place which—
- (a) is not specified in the order; and
 - (b) is one at which the treatment of the supervised person will be given by or under the direction of a medical practitioner,
- he may, with the consent of the supervised person, make arrangements for him to be treated accordingly.
- (4) Where any such arrangements as are mentioned in sub-paragraph (3) above are made for the treatment of a supervised person—
- (a) the medical practitioner by whom the arrangements are made shall give notice in writing to the supervising officer, specifying the institution or place at which the treatment is to be carried out; and

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- (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the supervision and treatment order.

Optional requirements as to residence

- 5 (1) Subject to sub-paragraphs (2) to (4) below, a supervision and treatment order may include requirements as to the residence of the supervised person.
- (2) Such an order may not require the supervised person to reside as a resident patient in a hospital.
- (3) Before making such an order containing any such requirement, the court shall consider the home surroundings of the supervised person.
- (4) Where such an order requires the supervised person to reside in any institution, the period for which he is so required to reside shall be specified in the order.

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 respect of any person and, on the application of the supervised person or the supervising officer, it appears to the relevant sheriff court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of the health or welfare of the supervised person that the order should be revoked, the court may revoke the order.

Amendment of order by reason of change of residence

- 7 (1) This paragraph applies where, at any time while a supervision and treatment order is in force in respect of any person, the relevant sheriff court is satisfied that—
- (a) the supervised person proposes to change, or has changed, his residence from the area specified in the order to the area of another local authority;
- (b) a social worker who is an officer of the other local authority (“the new supervising officer”) is willing to undertake the supervision; and
- (c) the requirements of the order as respects treatment will continue to be complied with.
- (2) Subject to sub-paragraph (3) below the court may, and on the application of the supervising officer shall, amend the supervision and treatment order by substituting the other area for the area specified in the order and the new supervising officer for the supervising officer specified in the order.
- (3) Where a supervision and treatment order contains requirements which, in the opinion of the court, can be complied with only if the supervised person continues to reside in the area specified in the order, the court shall not amend the order under this paragraph unless it also, in accordance with paragraph 8 below, either—
- (a) cancels those requirements; or

Status: Point in time view as at 06/04/2001.

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- (b) substitutes for those requirements other requirements which can be complied with if the supervised person ceases to reside in that area.

Amendment of requirements of order

- 8 (1) Without prejudice to paragraph 7 above, but subject to sub-paragraph (2) below, the relevant sheriff court may, on the application of the supervised person or the supervising officer, by order amend a supervision and treatment order—
- (a) by cancelling any of the requirements of the order; or
 - (b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were the court by which the order was made and were then making it.
- (2) The power of the court under sub-paragraph (1) above shall not include power to amend an order by extending the period specified in it beyond the end of three years from the date of the original order.

Amendment of requirements in pursuance of medical report

- 9 (1) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of any requirement of a supervision and treatment order—
- (a) is of the opinion mentioned in sub-paragraph (2) below; or
 - (b) is for any reason unwilling to continue to treat or direct the treatment of the supervised person,
- he shall make a report in writing to that effect to the supervising officer and that officer shall apply under paragraph 8 above to the relevant sheriff court for the variation or cancellation of the requirement.
- (2) The opinion referred to in sub-paragraph (1) above is—
- (a) that the treatment of the supervised person should be continued beyond the period specified in the supervision and treatment order;
 - (b) that the supervised person needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of such an order;
 - (c) that the supervised person is not susceptible to treatment; or
 - (d) that the supervised person does not require further treatment.

Supplemental

- 10 (1) On the making under paragraph 6 above of an order revoking a supervision and treatment order, the sheriff clerk shall forthwith give a copy of the revoking order to the supervising officer [^{F6}and to the medical practitioner by whom or under whose supervision the supervised person was treated under the supervision and treatment order].
- (2) On receipt of a copy of the revoking order the supervising officer shall give a copy to the supervised person and to the person in charge of any institution in which the supervised person was required by the order to reside.

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Textual Amendments

F6 Words in Sch. 4 para. 10(1) inserted (1.1.1998) by 1997 c. 48, s. 62(1), Sch. 1 para. 21(35)(b); S.I. 1997/2323, art. 4, Sch. 2 (subject to art. 7)

- 11 (1) On the making under paragraph 7 or 8 above of an order amending a supervision and treatment order, the sheriff clerk shall forthwith—
- (a) if the order amends the supervision and treatment order otherwise than by substituting a new area or a new place for the one specified in that order, give a copy of the amending order to the supervising officer [^{F7}and to the medical practitioner by whom or under whose supervision the supervised person has been treated under the supervision and treatment order];
 - (b) if the order amends the supervision and treatment order in the manner excepted by paragraph (a) above, send to the new relevant sheriff court—
 - (i) a copy of the amending order; and
 - (ii) such documents and information relating to the case as he considers likely to be of assistance to that court in exercising its functions in relation to the order;
 and in a case falling within paragraph (b) above, the sheriff clerk shall give a copy of the amending order to the supervising officer.
- (2) On receipt of a copy of an amending order the supervising officer shall give a copy to the supervised person and to the person in charge of any institution in which the supervised person is or was required by the order to reside.

Textual Amendments

F7 Words in Sch. 4 para. 11(1)(a) inserted (1.1.1998) by 1997 c. 48, s. 62(1), Sch. 1 para. 21(35)(c); S.I. 1997/2323, art. 4, Sch. 2 (subject to art. 7)

- 12 On the making, revocation or amendment of a supervision and treatment order the supervising officer shall give a copy of the order or, as the case may be, of the order revoking or amending it, to the Mental Welfare Commission for Scotland.

SCHEDULE 5

Section 138(2).

FORMS OF COMPLAINT AND CHARGES

The following Forms are additional to those contained in Schedule 2 to this Act, all of which, in so far as applicable to charges which may be tried summarily, are deemed to be incorporated in this Schedule:—

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

You did conduct yourself in a disorderly manner and commit a breach of the peace.

You did threaten violence to the lieges and commit a breach of the peace.

You did fight and commit a breach of the peace.

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You did publicly expose your person in a shameless and indecent manner in presence of the lieges.

You did obtain from A.N. board and lodging to the value of £16 without paying and intending not to pay therefor.

You did maliciously knock down 20 metres of the coping of a wall forming the fence between two fields on the said farm.

You did maliciously place a block of wood on the railway line and attempt to obstruct a train.

You did drive a horse and cart recklessly to the danger of the lieges.

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

You did steal a coat which you obtained from R.O. on the false representation that you had been sent for it by her husband.

having received from D.G. £6 to hand to E.R., you did on *(date)* at *(place)* steal the said sum.

having received from G.R. a watch in loan, you did on at , sell it to E.G., and steal it.

having found a watch, you did, without trying to discover its owner, sell it on at , to O.R., and steal it.

You did acquire from K.O., a private in the Third Battalion a military jacket and waist belt, contrary to section 195 of the Army Act 1955.

You, being a person whose estate has been sequestrated, did obtain credit from W.A. to the extent of £260 without informing him that your estate had been sequestrated and that you had not received your discharge, contrary to section 67(9) of the Bankruptcy (Scotland) Act 1985.

You, being the occupier of the said house, did use the same for the purpose of betting with persons resorting thereto, contrary to section 1 of the Betting, Gaming and Lotteries Act 1963.

You did frequent and loiter in the said street for the purpose of betting and receiving bets, contrary to section 8 of the Betting, Gaming and Lotteries Act 1963.

You did assault L.S., a constable of the Police, while engaged in the execution of his duty, and with a stick strike him on the face to the great effusion of blood contrary to section 41 of the Police (Scotland) Act 1967.

You did cruelly ill-treat a horse by causing it to draw a cart while it was suffering from a sore on its back under the saddle, contrary to section 1 of the Protection of Animals (Scotland) Act 1912.

You did wilfully neglect your children K.I., aged seven years; J.I., aged five years; and H.I., aged three years, by failing to provide them with adequate food and clothing, and by keeping them in a filthy and verminous condition, contrary to section 12 of the Children and Young Persons (Scotland) Act 1937.

You are the owner of a dog which is dangerous and not kept under proper control, and which on in did chase a flock of sheep, contrary to section 2 of the Dogs Act 1871, section 2, as amended by section 1 of the Dogs Act 1906, whereby you are liable to be ordered to keep the said dog under proper control or to destroy it.

You, being a parent of D.U., a child of school age, aged , who has attended school, and the said child having failed, between and , without reasonable excuse, to attend regularly at the said school, you are thereby guilty of an offence against section 35 of the Education (Scotland) Act 1980.

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being an unauthorised place you did keep for sale 75 kilograms of gunpowder, contrary to the Explosives Act 1875, section 5.

You did keep 78 kilograms of gunpowder, and did not keep it in a fireproof safe, contrary to the Explosives Act 1875, section 22 and section 3, subsection (1), Mode B, of the Order in Council dated 26th October 1896.

You did sell and deliver to N.C. to his prejudice an article of food namely; gallons of sweet milk which was not of the nature, substance and quality of the article demanded by him and was not genuine sweet milk in respect that it was deficient in milk fat to the extent of per cent, or thereby in that it contained only per cent, of milk fat, conform to certificate of analysis granted on (date) by A.N. analytical chemist (address), public analyst for (a copy of which certificate of analysis is annexed hereto) of a sample of the said milk taken (specify time and place) by L.O., duly appointed sampling officer for , acting under the direction of the local authority for the said burgh, while the said milk was in course of delivery to the said N.C. contrary to the Food Act 1984, and the Sale of Milk Regulations 1901.

You did take part in gaming in the street contrary to sections 5 and 8 of the Gaming Act 1968.

You did by night enter on the said land with nets for the purpose of taking game, contrary to section 1 of the Night Poaching Act 1828; or

You did by night unlawfully take six rabbits, contrary to, etc.

You did in the daytime trespass on the said land in search of pursuit of game (or rabbits), contrary to section 1 of the Game (Scotland) Act 1832.

You were found in the possession of five hares, a net and six net pins, which hares you had obtained by unlawfully going on land in search or pursuit of game, and which net and nets pins you had used for unlawfully killing or taking game, or you had been accessory thereto, contrary to section 2 of the Poaching Prevention Act 1862.

You did present or cause to be presented to W.E., Assessors for a return in which you falsely stated that the yearly rent of your House. No. Street, , was £20, instead of £30, contrary to section 7 of the Lands Valuation (Scotland) Act 1854.

You did sell a half gill of whisky to J.M., who was then a drunken person, contrary to your certificate and section 76 of the Licensing (Scotland) Act 1976.

You were found drunk and incapable of taking care of yourself, and not under the care or protection of some suitable person, contrary to section 74(2) of the Licensing (Scotland) Act 1976.

You did drive a motor car recklessly contrary to section 2 of the Road Traffic Act 1988.

You did act as a pedlar without having obtained a certificate, contrary to section 4 of the Pedlars' Act 1871.

F8

Textual Amendments
F8 Words in Sch. 5 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), Sch. 2

You did travel in a railway carriage without having previously paid your fare, and with intent to avoid payment thereof, contrary to section 5(3)(a) of the Regulation of Railways Act 1889.

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having on within the house No. Street, given birth to a female child, you did fail, within twenty-one days thereafter, to attend personally and give information to C.W., registrar of births, deaths, and marriages for (Registration District), of the particulars required to be registered concerning the birth, contrary to sections 14 and 53 of the Registration of Births, Deaths, and Marriages (Scotland) Act 1965.

You did take two salmon during the annual close time by means of cobles and sweep nets, contrary to section 15 of the Salmon Fisheries (Scotland) Act 1868.

You had in your possession for use for trade a counter balance which was false, and two weights, which were unjust, contrary to the Weights and Measures Act 1985, section 17.

SCHEDULE 6

Section 231(1)

DISCHARGE OF AND AMENDMENT TO PROBATION ORDERS

Discharge

- 1 A probation order may on the application of the officer supervising the probationer or of the probationer be discharged—
 - (a) by the appropriate court; or
 - (b) if no appropriate court has been named in the original or in any amending order, by the court which made the order.

Amendment

- 2 (1) If the court by which a probation order was made, or the appropriate court, is satisfied that the probationer proposes to change or has changed his residence from the area of a local authority named in the order to the area of another local authority, the court may, and if application is made in that behalf by the officer supervising the probationer shall, by order, amend the probation order by—
 - (a) substituting for the area named therein that other area; and
 - (b) naming the appropriate court to which all the powers of the court by which the order was made shall be transferred and shall require the local authority for that other area to arrange for the probationer to be under the supervision of an officer of that authority.
- (2) Subject to sub-paragraphs (3) and (4) below, the court to be named as the appropriate court in any amendment of a probation order in pursuance of sub-paragraph (1) above shall be a court exercising jurisdiction in the place where the probationer resides or is to reside and shall be a sheriff court or district court according to whether the probation order was made by a sheriff court or district court.
- (3) If the probation order was made by a district court and there is no district court exercising jurisdiction in the place mentioned in sub-paragraph (2) above, the court to be named shall be the sheriff court.
- (4) If the probation order contains requirements which in the opinion of the court cannot be complied with unless the probationer continues to reside in the local authority

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area named in the order, the court shall not amend the order as mentioned in sub-paragraph (2) above unless, in accordance with the following provisions of this Schedule, it cancels those requirements or substitutes therefor other requirements which can be so complied with.

- (5) Where a probation order is amended under this paragraph, the clerk of the court amending it shall send to the clerk of the appropriate court four copies of the order together with such documents and information relating to the case as the court amending the order considers likely to be of assistance to the appropriate court, and the clerk of that court shall send one copy of the probation order to the local authority of the substituted local authority area and two copies to the officer supervising the probationer, one of which the supervising officer shall give to the probationer.
- (6) The foregoing provisions of this paragraph shall, in a case where the probation order was made by the High Court, have effect subject to the following modifications—
- (a) the court shall not name an appropriate court, but may substitute for the local authority named in the order, the local authority for the area in which the probationer is to reside;
 - (b) the Clerk of Justiciary shall send to the chief social work officer of that area in which the probationer is to reside three copies of the amending order together with such documents and information relating to the case as is likely to be of assistance to the chief social work officer, and the chief social work officer shall send two copies of the amending order to the officer supervising the probationer, one of which the supervising officer shall give to the probationer.
- 3 (1) Without prejudice to paragraph 2 above, the court by which a probation order was made or the appropriate court may, upon application made by the officer supervising the probationer or by the probationer, subject to sub-paragraph (2) below, by order amend a probation order by cancelling any of the requirements thereof or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by that court in accordance with sections 228 to 230 of this Act.
- (2) The court shall not amend a probation order under sub-paragraph (1) above—
- (a) by reducing the probation period, or by extending that period beyond the end of three years from the date of the original order;
 - (b) so that the probationer is thereby required to reside in any institution or place, or to submit to treatment for his mental condition, for any period or periods exceeding 12 months in all;
 - (c) by inserting in it a requirement that the probationer shall submit to treatment for his mental condition unless the amending order is made within three months after the date of the original order.
- 4 Where the medical practitioner or chartered psychologist by whom or under whose direction a probationer is being treated for his mental condition in pursuance of any requirement of the probation order is of the opinion—
- (a) that the treatment of the probationer should be continued beyond the period specified for that purpose in the order; or
 - (b) that the probationer needs a different kind of treatment (whether in whole or in part) from that which he has been receiving in pursuance of the probation

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order, being treatment of a kind which could have been specified in the probation order but to which the probationer or his supervising officer has not agreed under section 230(6) of this Act; or

- (c) that the probationer is not susceptible to treatment; or
- (d) that the probationer does not require further treatment,

or where the practitioner or psychologist is for any reason unwilling to continue to treat or direct the treatment of the probationer, he shall make a report in writing to that effect to the officer supervising the probationer and the supervising officer shall apply to the court which made the order or to the appropriate court for the variation or cancellation of the requirement.

General

- 5 (1) Where the court which made the order or the appropriate court proposes to amend a probation order under this Schedule, otherwise than on the application of the probationer, it shall cite him to appear before the court; and the court shall not amend the probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended.
- (2) Sub-paragraph (1) above shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement, or substituting a new area of a local authority for the area named in the probation order.
- 6 On the making of an order discharging or amending a probation order, the clerk of the court shall forthwith give copies of the discharging or amending order to the officer supervising the probationer; and the supervising officer shall give a copy to the probationer and to the person in charge of any institution in which the probationer is or was required by the order to reside.

SCHEDULE 7

Section 235.

SUPERVISED ATTENDANCE ORDERS: FURTHER PROVISIONS

- 1 (1) A court shall not make a supervised attendance order in respect of any offender unless—
 - (a) the court has been notified by the Secretary of State that arrangements exist for persons of a class which includes the offender who reside in the locality in which the offender resides, or will be residing when the order comes into force, to carry out the requirements of such an order.
 - (b) the court is satisfied that provision can be made under the arrangements mentioned in sub-sub-paragraph (a) above for the offender to carry out such requirements.
- (2) Before making a supervised attendance order, the court shall explain to the offender in ordinary language—
 - (a) the purpose and effect of the order and in particular the obligations on the offender as specified in paragraph 3 below;

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- (b) the consequences which may follow under paragraph 4 below if he fails to comply with any of those requirements; and
 - (c) that the court has, under paragraph 5 below, the power to review the order on the application either of the offender or of an officer of the local authority in whose area the offender for the time being resides.
- (3) The Secretary of State may by order direct that subsection (2) of section 235 of this Act shall be amended by substituting, for any number of hours specified in that subsection such other number of hours as may be specified in the order; and an order under this subsection may in making such amendment specify different such numbers of hours for different classes of case.
- (4) An order under sub-paragraph (3) above shall be made by statutory instrument, but no such order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- 2 (1) A supervised attendance order shall—
- (a) specify the locality in which the offender resides or will be residing when the order comes into force; and
 - (b) require the local authority in whose area the locality specified under sub-sub-paragraph (a) above is situated to appoint or assign a supervising officer.
- (2) Where, whether on the same occasion or on separate occasions, an offender is made subject to more than one supervised attendance order, the court may direct that the requirements specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders, but so that at no time shall the offender have an outstanding number of hours during which he must carry out the requirements of these orders in excess of the largest number specified in section 235 of this Act.
- (3) Upon making a supervised attendance order the court shall—
- (a) give, or send by registered post or by the recorded delivery service, a copy of the order to the offender;
 - (b) send a copy of the order to the chief social work officer of the local authority in whose area the offender resides or will be residing when the order comes into force; and
 - (c) where it is not the appropriate court, send a copy of the order (together with such documents and information relating to the case as are considered useful) to the clerk of the appropriate court.
- (4) Where a copy of a supervised attendance order has, under sub-paragraph (3) (a) above, been sent by registered post or by the recorded delivery service, an acknowledgement or certificate of delivery of a letter containing the copy order issued by the Post Office shall be sufficient evidence of the delivery of the letter on the day specified in such acknowledgement or certificate.
- 3 (1) An offender in respect of whom a supervised attendance order is in force shall report to the supervising officer and notify him without delay of any change of address or in the times, if any, at which he usually works.
- (2) Subject to paragraph 5(1) below, instructions given under a supervised attendance order shall be carried out during the period of twelve months beginning with the date

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- of the order; but, unless revoked, the order shall remain in force until the offender has carried out the instructions given under it for the number of hours specified in it.
- (3) The instructions given by the supervising officer under the order shall, so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.
- 4 (1) If at any time while a supervised attendance order is in force in respect of any offender it appears to the appropriate court, on information from the supervising officer, that that offender has failed to comply with any of the requirements of paragraph 3 above or of the order (including any failure satisfactorily to carry out any instructions which he has been given by the supervising officer under the order), the court may issue a warrant for the arrest of that offender, or may, if it thinks fit, instead of issuing a warrant in the first instance issue a citation requiring the offender to appear before that court at such time as may be specified in the citation.
- (2) If it is proved to the satisfaction of the court before which an offender is brought or appears in pursuance of sub-paragraph (1) above that he has failed without reasonable excuse to comply with any of the requirements of paragraph 3 above or of the order (including any failure satisfactorily to carry out any instructions which he has been given by the supervising officer under the order) the court may—
- (a) revoke the order and impose such period of imprisonment not exceeding—
- (i) in the case of a sheriff court, three months; and
- (ii) in the case of a district court, 60 days,
- as the court considers appropriate; or
- (b) subject to section 235 of this Act and paragraph 2(2) above, vary the number of hours specified in the order.
- (3) The evidence of one witness shall, for the purposes of sub-paragraph (2) above, be sufficient evidence.
- 5 (1) Where a supervised attendance order is in force in respect of any offender and, on the application of that offender or of the supervising officer, it appears to the appropriate court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, that court may—
- (a) extend, in relation to the order, the period of twelve months specified in paragraph 3 above;
- (b) subject to section 235 of this Act and paragraph 2(2) above, vary the numbers of hours specified in the order;
- (c) revoke the order; or
- (d) revoke the order and impose such period of imprisonment not exceeding—
- (i) in the case of a sheriff court, three months; and
- (ii) in the case of a district court, 60 days,
- as the court considers appropriate.
- (2) If the appropriate court is satisfied that the offender proposes to change, or has changed, his residence from the locality for the time being specified under paragraph 2(1)(a) above to another locality and—

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- (a) that court has been notified by the Secretary of State that arrangements exist for persons who reside in that other locality to carry out instructions under supervised attendance orders; and
- (b) it appears to that court that provision can be made under those arrangements for him to carry out instructions under the order,

that court may, and on application of the supervising officer shall, amend the order by substituting that other locality for the locality for the time being specified in the order; and section 235 of this Act and this Schedule shall apply to the order as amended.

- (3) Where the court proposes to exercise its powers under sub-paragraph (1)(a), (b) or (d) above otherwise than on the application of the offender, it shall issue a citation requiring him to appear before the court and, if he fails to appear, may issue a warrant for his arrest.

VALID FROM 27/10/2003

5A	The unified citation provisions apply in relation to a citation under paragraph 4(1) or 5(3) of this Schedule as they apply in relation to a citation under section 216(3)(a) of this Act.
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- 6 (1) The Secretary of State may make rules for regulating the carrying out of the requirements of supervised attendance orders.
- (2) Without prejudice to the generality of sub-paragraph (1) above, rules under this paragraph may—
 - (a) limit the number of hours during which the requirements of an order are to be met on any one day;
 - (b) make provision as to the reckoning of time for the purposes of the carrying out of these requirements;
 - (c) make provision for the payment of travelling and other expenses in connection with the carrying out of these requirements;
 - (d) provide for records to be kept of what has been done by any person carrying out these requirements.
- (3) Rules under this paragraph shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- 7 The Secretary of State shall lay before Parliament each year, or incorporate in annual reports he already makes, a report of the operation of section 235 of this Act and this Schedule.
- 8 In this Schedule—

“the appropriate court” in relation to a supervised attendance order, means the court having jurisdiction in the locality for the time being specified in the order under paragraph 2(1)(a) above, being a sheriff or district court according to whether the order has been made by a sheriff or district court,

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but in the case where an order has been made by a district court and there is no district court in that locality, the sheriff court;

“supervising officer” has the same meaning as in section 235 of this Act.

SCHEDULE 8

Section 279.

DOCUMENTARY EVIDENCE IN CRIMINAL PROCEEDINGS

Production of copy documents

- 1 (1) For the purposes of any criminal proceedings a copy of, or of a material part of, a document, purporting to be authenticated in such manner and by such person as may be prescribed, shall unless the court otherwise directs, be—
- (a) deemed a true copy; and
 - (b) treated for evidential purposes as if it were the document, or the material part, itself,
- whether or not the document is still in existence.
- (2) For the purposes of this paragraph it is immaterial how many removes there are between a copy and the original.
- (3) In this paragraph “copy” includes a transcript or reproduction.

Statements in business documents

- 2 (1) Except where it is a statement such as is mentioned in paragraph 3(b) and (c) below, a statement in a document shall be admissible in criminal proceedings as evidence of any fact or opinion of which direct oral evidence would be admissible, if the following conditions are satisfied—
- (a) the document was created or received in the course of, or for the purposes of, a business or undertaking or in pursuance of the functions of the holder of a paid or unpaid office;
 - (b) the document is, or at any time was, kept by a business or undertaking or by or on behalf of the holder of such an office; and
 - (c) the statement was made on the basis of information supplied by a person (whether or not the maker of the statement) who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in it.
- (2) Sub-paragraph (1) above applies whether the information contained in the statement was supplied directly or indirectly unless, in the case of information supplied indirectly, it appears to the court that any person through whom it was so supplied did not both receive and supply it in the course of a business or undertaking or as or on behalf of the holder of a paid or unpaid office.
- (3) Where in any proceedings a statement is admitted as evidence by virtue of this paragraph—
- (a) any evidence which, if—
 - (i) the maker of the statement; or
 - (ii) where the statement was made on the basis of information supplied by another person, such supplier,

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had been called as a witness, would have been admissible as relevant to the witness's credibility shall be so admissible in those proceedings;

- (b) evidence may be given of any matter which, if the maker or as the case may be the supplier had been called as a witness, could have been put to him in cross-examination as relevant to his credibility but of which evidence could not have been adduced by the cross-examining party; and
- (c) evidence tending to prove that the maker or as the case may be the supplier, whether before or after making the statement or supplying the information on the basis of which the statement was made, made (in whatever manner) some other representation which is inconsistent with the statement shall be admissible for the purpose of showing that he has contradicted himself.

(4) In sub-paragraph (3)(c) above, "representation" does not include a representation in a precognition.

3 A statement in a document shall be admissible in criminal proceedings as evidence of the fact that the statement was made if—

- (a) the document satisfies the conditions mentioned in sub-paragraph (1)(a) and (b) of paragraph 2 above;
- (b) the statement is made, whether directly or indirectly, by a person who in those proceedings is an accused; and
- (c) the statement, being exculpatory only, exculpates the accused.

Documents kept by businesses etc.

4 Unless the court otherwise directs, a document may in any criminal proceedings be taken to be a document kept by a business or undertaking or by or on behalf of the holder of a paid or unpaid office if it is certified as such by a docquet in the prescribed form and purporting to be authenticated, in such manner as may be prescribed—

- (a) by a person authorised to authenticate such a docquet on behalf of the business or undertaking by which; or
- (b) by, or by a person authorised to authenticate such a docquet on behalf of, the office-holder by whom,

the document was kept.

Statements not contained in business documents

5 (1) In any criminal proceedings, the evidence of an authorised person that—

- (a) a document which satisfies the conditions mentioned in paragraph 2(1)(a) and (b) above does not contain a relevant statement as to a particular matter; or
- (b) no document, within a category of documents satisfying those conditions, contains such a statement,

shall be admissible evidence whether or not the whole or any part of that document or of the documents within that category and satisfying those conditions has been produced in the proceedings.

(2) For the purposes of sub-paragraph (1) above, a relevant statement is a statement which is of the kind mentioned in paragraph 2(1)(c) above and which, in the ordinary course of events—

- (a) the document; or

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- (b) a document within the category and satisfying the conditions mentioned in that sub-paragraph,
might reasonably have been expected to contain.
- (3) The evidence referred to in sub-paragraph (1) above may, unless the court otherwise directs, be given by means of a certificate by the authorised person in the prescribed form and purporting to be authenticated in such manner as may be prescribed.
- (4) In this paragraph, “authorised person” means a person authorised to give evidence—
 - (a) on behalf of the business or undertaking by which; or
 - (b) as or on behalf of the office-holder by or on behalf of whom,
the document is or was kept.

Additional evidence where evidence from business documents challenged

- 6 (1) This sub-paragraph applies where—
 - (a) evidence has been admitted by virtue of paragraph 2(3) above; or
 - (b) the court has made a direction under paragraph 1(1), 4 or 5(3) above.
- (2) Where sub-paragraph (1) above applies the judge may, without prejudice to sections 268 and 269 of this Act—
 - (a) in solemn proceedings, on a motion of the prosecutor or defence at any time before the commencement of the speeches to the jury;
 - (b) in summary proceedings, on such a motion at any time before the prosecutor proceeds to address the judge on the evidence,
permit him to lead additional evidence of such description as the judge may specify.
- (3) Subsections (3) and (4) of section 268 of this Act shall apply in relation to sub-paragraph (2) above as they apply in relation to subsection (1) of that section.

General

- 7 (1) Nothing in this Schedule—
 - (a) 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 this Schedule;
 - (b) shall affect the operation of the ^{M7}Bankers’ Books Evidence Act 1879;
 - (c) shall apply to—
 - (i) proceedings commenced; or
 - (ii) where the proceedings consist of an application to the sheriff by virtue of section 42(2)(c) of the ^{M8}Social Work (Scotland) Act 1968, an application made,
before this Schedule comes into force.
- (2) For the purposes of sub-paragraph (1)(c)(i) above, solemn proceedings are commenced when the indictment is served.

Marginal Citations

M7 1879 c. 11.

Status: Point in time view as at 06/04/2001.

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M8 1968 c. 45.

- 8 In this Schedule—
- “business” includes trade, profession or other occupation;
 - “criminal proceedings” includes any hearing by the sheriff under section 62 of the ^{M9}Children (Scotland) Act 1995 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 produced therefrom;
 - “film” includes a microfilm;
 - “made” includes allegedly made;
 - “prescribed” means prescribed by Act of Adjournal;
 - “statement” includes any representation (however made or expressed) of fact or opinion, including an instruction, order or request, but, except in paragraph 7(1)(a) above, does not include a statement which falls within one or more of the following descriptions—
 - (a) a statement in a precognition;
 - (b) a statement made for the purposes of or in connection with—
 - (i) pending or contemplated criminal proceedings; or
 - (ii) a criminal investigation; or
 - (c) a statement made by an accused person in so far as it incriminates a co-accused; and
 - “undertaking” includes any public or statutory undertaking, any local authority and any government department.

Marginal Citations

M9 1995 c. 36.

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)

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Enactment	Persons who may purport to sign certificates	Matters which may be certified
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.
The Wireless Telegraphy Act 1949 (c.54) Section 1 in so far as it relates to the installation or use of a television receiver (within the meaning of that Act); and section 1A in so far as it relates to an intended such use.	A person authorised to do so by the British Broadcasting Corporation.	In relation to an address specified in the certificate, whether on a date so specified any television licence (within the meaning of that Act) 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.
The Building (Scotland) Act 1959 (c.24) Section 6(1) (prohibition of construction, demolition or change of use of building without warrant).	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, there had not been obtained a warrant under section 6 of that Act for construction, demolition or, as the case may be, change of use.
Section 9(5) (offence of occupying or using a building before certificate of completion issued).	An officer of a local authority authorised to do so by the authority.	That, on a date specified in the certificate— (a) a certificate of completion under section 9 of that Act had not been issued in respect of a building so specified; and (b) written permission for occupation or use of the building so specified, had not been granted under

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<p>The Firearms Act 1968 (c.27)</p>	<p>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 police force maintained for the authority’s area; and as respects the matters specified in paragraph (b) of column 3, an officer authorised to do so by the Secretary of State [^{F9}or a member of staff of the Scottish Administration who is authorised to do so by the Scottish Ministers].</p>	<p>subsection (6) of that section by the local authority.</p> <p>In relation to a person identified in the certificate, that on a date specified therein—</p> <p>(a) he held, or as the case may be did not hold, a firearm certificate or shotgun certificate (within the meaning of that Act);</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 [^{F10}or, by virtue of provision made under section 63 of the Scotland Act 1998, the Scottish Ministers].</p>
<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>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>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—</p> <p>(a) the date, place or means of his arrival in, or any removal of him from, the United Kingdom;</p> <p>(b) any limitation on, or condition attached to, any leave for him to enter or remain in the United Kingdom;</p>

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		(c) the date and method of service of any notice of, or of variations of conditions attached to, such leave.
The Control of Pollution Act 1974 (c.40) [F11Section 30F (pollution offences)], 32(1) (permitting trade effluent or sewage effluent to be discharged into such waters, etc.) or 49(1)(a) (causing accumulated deposit to be carried away in suspension in inland waters) or regulations under section 31(4) (prohibition on carrying on without consent certain activities likely to pollute waters in designated areas).	Two persons authorised to do so by [F12the Scottish Environment Protection Agency].	That they have 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.
The Licensing (Scotland) Act 1976 (c.66)	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 granted under that Act.
Customs and Excise Management Act 1979 The 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).	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 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	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

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	referred to in column 3 hereof.	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) Sections 1, 5, 6(1) to (3), 7, 8, 9(1), (2), (4) and (5), 11(1) and (2), 13(1) and (2) and 14 (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.
The Road Traffic Regulation Act 1984 (c. 27)	Two police officers who have tested the apparatus.	The accuracy of any particular— (a) speedometer fitted to a police vehicle; (b) odometer fitted to a police vehicle; (c) radar meter; or (d) apparatus for measuring speed, time or distance, identified in the certificate by reference to its number or otherwise.
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).	[^{F13} 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— (a) sub-paragraph (a) in column 3, the video work	[That the record shows any of the following- (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; (b) in respect of a video work which is the subject

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	mentioned in that sub-paragraph; (b) sub-paragraph (b) in that column, both video works mentioned in that sub-paragraph.]	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; (c) that, by a date specified, no classification certificate had been issued in respect of a video work having a particular title (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; expressions used in column 2, or in this column, of this entry being construed in 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)	An officer of a waste regulation authority within	In relation to a person specified in the certificate

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Section 33(1)(a) and (b) (prohibition on harmful depositing, treatment or disposal of waste).	the meaning of that Act authorised to do so by the authority.	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) [^{F14} Section 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, a statement in writing in terms so specified.
This Act. Sections 24(3) to (8), 25 and 27 to 29	The Clerk of Justiciary or the clerk of court.	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

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manner so specified, notice of the time and place appointed for a diet so specified.

Textual Amendments

- F9** 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
- F10** 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
- F11** Words in Sch. 9 substituted (1.8.1997) by 1997 c. 48, s. 30(2)(a); S.I. 1997/1712, art. 3, Sch. (subject to arts. 4, 5)
- F12** Words in Sch. 9 substituted (1.8.1997) by 1997 c. 48, s. 30(2)(b); S.I. 1997/1712, art. 3, Sch. (subject to arts. 4, 5)
- F13** 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)
- F14** Words in Sch. 9 substituted (4.7.1996) by 1996 c. 25, s. 73(4)

[^{F15}SCHEDULE 9A

THE COMMISSION: FURTHER PROVISIONS

Textual Amendments

- F15** Sch. 9A inserted (1.1.1998) by 1997 c. 48, s. 25(2); S.I. 1997/3004, art. 2, Sch. (subject to arts. 4, 5)

Membership

- 1 Her Majesty shall, on the recommendation of the Secretary of State, appoint one of the members of the Commission to be the chairman of the Commission.
- 2 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member of the Commission, or as chairman of the Commission, in accordance with the terms of his appointment.
- (2) An appointment as a member of the Commission may be full-time or part-time.
- (3) The appointment of a person as a member of the Commission, or as chairman of the Commission, shall be for a fixed period of not longer than five years.
- (4) Subject to sub-paragraph (5) below, a person whose term of appointment as a member of the Commission, or as chairman of the Commission, expires shall be eligible for re-appointment.
- (5) No person may hold office as a member of the Commission for a continuous period which is longer than ten years.
- (6) A person may at any time resign his office as a member of the Commission, or as chairman of the Commission, by notice in writing addressed to Her Majesty.

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- (7) Her Majesty may at any time remove a person from office as a member of the Commission if satisfied—
- (a) that he has without reasonable excuse failed to discharge his functions as a member for a continuous period of three months beginning not earlier than six months before that time;
 - (b) that he has been convicted of a criminal offence;
 - (c) that a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
 - (d) that he is unable or unfit to discharge his functions as a member.
- (8) If the chairman of the Commission ceases to be a member of the Commission he shall also cease to be chairman.

Members and employees

- 3 (1) The Commission shall—
- (a) pay to members of the Commission such remuneration;
 - (b) pay to or in respect of members of the Commission any such allowances, fees, expenses and gratuities; and
 - (c) pay towards the provisions of pensions to or in respect of members of the Commission any such sums,
- as the Commission are required to pay by or in accordance with directions given by the Secretary of State.
- (2) Where a member of the Commission was, immediately before becoming a member, a participant in a scheme under section 1 of the ^{M10}Superannuation Act 1972, the Minister for the Civil Service may determine that his term of office as a member shall be treated for the purposes of the scheme as if it were service in the employment or office by reference to which he was a participant in the scheme; and his rights under the scheme shall not be affected by sub-paragraph (1)(c) above.
- (3) Where—
- (a) a person ceases to hold office as a member of the Commission otherwise than on the expiry of his term of appointment; and
 - (b) it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation,
- the Secretary of State may direct the Commission to make to him a payment of such amount as the Secretary of State may determine.

Marginal Citations

M10 1972 c. 11.

- 4 (1) The Commission may appoint a chief executive and such other employees as the Commission think fit, subject to the consent of the Secretary of State as to their number and terms and conditions of service.
- (2) The Commission shall—
- (a) pay to employees of the Commission such remuneration; and

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- (b) pay to or in respect of employees of the Commission any such allowances, fees, expenses and gratuities,
as the Commission may, with the consent of the Secretary of State, determine.
- (3) Employment by the Commission shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 may apply.
- 5 The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to paragraph 3(2) or 4(3) above in the sums payable out of money provided by Parliament under the ^{M11}Superannuation Act 1972.

Marginal Citations

M11 1972 c. 11.

Procedure

- 6 (1) The arrangements for the procedure of the Commission (including the quorum for meetings) shall be such as the Commission may determine.
- (2) The arrangements may provide for the discharge, under the general direction of the Commission, of any function of the Commission—
- (a) in the case of the function specified in sub-paragraph (3) below, by a committee consisting of not fewer than three members of the Commission; and
- (b) in any other case, by any committee of, or by one or more of the members or employees of, the Commission.
- (3) The function referred to in sub-paragraph (2)(a) above is making a reference to the High Court under section 194B of this Act.
- (4) The validity of any proceedings of the Commission (or of any committee of the Commission) shall not be affected by—
- (a) any vacancy among the members of the Commission or in the office of chairman of the Commission; or
- (b) any defect in the appointment of any person as a member of the Commission or as chairman of the Commission.
- (5) Where—
- (a) a document or other material has been produced to the Commission under section 194I of this Act, or they have been given access to a document or other material under that section, and the Commission have taken away the document or other material (or a copy of it); and
- (b) the person who produced the document or other material to the Commission, or gave them access to it, has notified the Commission that he considers that its disclosure to others may be contrary to the interests of national security, the Commission shall, after consulting that person, deal with the document or material (or copy) in a manner appropriate for safeguarding the interests of national security.

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Evidence

- 7 A document purporting to be—
- (a) duly executed under the seal of the Commission; or
 - (b) signed on behalf of the Commission,
- shall be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Annual reports and accounts

- 8 (1) As soon as possible after the end of each financial year of the Commission, the Commission shall send to the Secretary of State a report on the discharge of their functions during that year.
- (2) Such a report may include an account of the working of the provisions of Part XA of this Act and recommendations relating to any of those provisions.
- (3) The Secretary of State shall lay before each House of Parliament, and cause to be published, a copy of every report sent to him under sub-paragraph (1).

- 9 (1) The Commission shall—
- (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) prepare a statement of accounts in respect of each financial year of the Commission.
- (2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may ^{F16} . . . direct.
- (3) The Commission shall send ^{F17} . . . the statement of accounts to the Secretary of State ^{F17} . . . within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.

[The Scottish Ministers shall send the statement of accounts to the Auditor General ^{F18}(3A) for Scotland for auditing.]

^{F19}(4)

Textual Amendments

- F16** Words in *Sch. 9A para. 9(2)* repealed (1.7.1999) by *S.I. 1999/1820*, arts. 1(2), 4, **Sch. 2 Pt. I para. 122(3)**, Pt. IV; *S.I. 1998/3178*, **art. 3**
- F17** Words in *Sch. 9A para. 9(3)* repealed (1.4.2000) by *2000 asp 1*, s. 26, **Sch. 4 para. 14(a)**; *S.S.I. 2000/10*, **art. 2(3)**
- F18** *Sch. 9A para. 9(3A)* inserted (1.4.2000) by *2000 asp 1*, s. 26, **Sch. 4 para. 14(b)**; *S.S.I. 2000/10*, **art. 2(3)**
- F19** *Sch. 9A para. 9(4)* repealed (1.4.2000) by *2000 asp 1*, s. 26, **Sch. 4 para. 14(c)**; *S.S.I. 2000/10*, **art. 2(3)**

- 10 For the purposes of this Schedule the Commission's financial year shall be the period of twelve months ending with 31st March; but the first financial year of the Commission shall be the period beginning with the date of establishment of the Commission and ending with the first 31st March which falls at least six months after that date.

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Expenses

- 11 The Secretary of State shall defray the expenses of the Commission up to such amount as may be approved by him.]

SCHEDULE 10

Section 292(1).

CERTAIN OFFENCES TRIABLE ONLY SUMMARILY

Night Poaching Act 1828 (c. 69)

- 1 Offences under section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose).

Public Meeting Act 1908 (c.66)

- 2 Offences under section 1(1) of the Public Meeting Act 1908 (endeavour to break up a public meeting).

Post Office Act 1953 (c. 36)

F20₃

Textual Amendments

F20 Sch. 10 para. 3 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), Sch. 2

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

- 4 Offences under the following provisions of the Betting, Gaming and Lotteries Act 1963—
- (a) section 7 (restriction of betting on dog racecourses);
 - (b) section 10(5) (advertising licensed betting offices);
 - (c) section 11(6) (person holding bookmaker's or betting agency permit employing a person disqualified from holding such a permit);
 - (d) section 18(2) (making unauthorised charges to bookmakers on licensed track);
 - (e) section 19 (occupiers of licensed tracks not to have any interest in bookmaker thereon);
 - (f) section 21 (betting with young persons); and
 - (g) section 22 (betting circulars not to be sent to young persons).

Theatres Act 1968 (c.54)

- 5 Offences under section 6 of the Theatres Act 1968 (provocation of breach of the peace by means of public performance of play).

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

- 6 Offences under section 12(1) of the Criminal Law (Consolidation) (Scotland) Act 1995 (allowing child under 16 to be in brothel).

VALID FROM 12/10/2009	
[^{F21}SCHEDULE 11	Section 223F(7)
FINANCIAL PENALTIES SUITABLE FOR ENFORCEMENT IN SCOTLAND	
<div style="border: 1px solid #ccc; padding: 5px;"> <p>Textual Amendments</p> <p>F21 Sch. 11 inserted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the European Union (Scotland) Order 2009 (S.S.I. 2009/342), art. 8 (with art. 2)</p> </div>	

VALID FROM 12/10/2009	
[^{F22}SCHEDULE 12	Section 223H(5)
GROUNDS FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES	
<div style="border: 1px solid #ccc; padding: 5px;"> <p>Textual Amendments</p> <p>F22 Sch. 12 inserted (12.10.2009) by The Mutual Recognition of Criminal Financial Penalties in the European Union (Scotland) Order 2009 (S.S.I. 2009/342), art. 8 (with art. 2)</p> </div>	

TABLE OF DERIVATIONS

Notes:

- 1 This Table shows the derivation of the provisions of the Bill.
- 2 The following abbreviations are used in the Table:—

Status: Point in time view as at 06/04/2001.

Changes to legislation: Criminal Procedure (Scotland) Act 1995 is up to date with all changes known to be in force on or before 22 May 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)

ACTS OF PARLIAMENT

1975	= Criminal Procedure (Scotland) Act 1975 (c.21)
1977	= Criminal Law Act 1977 (c.45)
1978	= Community Service by Offenders (Scotland) Act 1978 (c.49)
1980B	= Bail (Scotland) Act 1980 (c.4)
1980LR	= Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)
1980CJ	= Criminal Justice (Scotland) Act 1980 (c.62)
1982	= Criminal Justice Act 1982 (c.48)
1983	= Mental Health (Amendment) (Scotland) Act 1983 (c.39)
1984	= Mental Health (Scotland) Act 1984 (c.36)
1985	= Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73)
1987	= Criminal Justice (Scotland) Act 1987 (c.41)
1988	= Criminal Justice Act 1988 (c.33)
1990	= Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40)
1991	= Criminal Justice Act 1991 (c.53)
1993P	= Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)
1993CJ	= Criminal Justice Act 1993 (c.36)
1994	= Criminal Justice and Public Order Act 1994 (c.33)
1995	= Criminal Justice (Scotland) Act 1995 (c. 20)
1995C	= Children (Scotland) Act 1995 (c. 36)

Provision	Derivation
1(1)	Court of Session (Scotland) Act 1830 (11 Geo 4 & 1 Will 4 c.69) s. 18.
(2)	1975 s. 113(1).
(3)	1975 s. 113(2).
(4), (5)	1975 s. 113(4).

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2	1975 s.114; 1987 s.57(2).
3(1)	1975 s.2(1).
(2)	1975 s.112; 1987 s.57(1).
(3) to (5)	1975 s.2(2) to (4); 1987 s.58(1).
(6)	1975 s.8; Drafting.
4(1)	1975 ss.3(1), 288(1).
(2)	1975 ss. 3(4), 288(5); 1990 s.60; drafting.
(3)	1975 ss.3(2), 288(2).
(4)	1975 s.288(4); drafting.
5(1)	Drafting.
(2)	1975 s.289; 1977 Sch.11 §.4.
(3)	1975 s. 290.
(4)	1975 s.291(2), (3); 1980 s.38.
6(1)	District Courts (Scotland) Act 1975 (1975 c.20) s.2(1), (1A).
(2)	District Courts (Scotland) Act 1975 (1975 c.20) s.2(2).
(3)	District Courts (Scotland) Act 1975 (1975 c.20) s.6(1) (part).
(4)	District Courts (Scotland) Act 1975 (1975 c.20) s.6(2) (part), (3) (part).
(5)	District Courts (Scotland) Act 1975 (1975 c.20) s.6(9).
(6)	Drafting.
7(1)	District Courts (Scotland) Act 1975 (1975 c.20) s.3(1).
(2)	District Courts (Scotland) Act 1975 (1975 c.20) s.3(4).
(3)	1980CJ s.7(1); 1995 s.60.
(4)	1980CJ s.7(3); 1982 Sch.7 §14.
(5)	District Courts (Scotland) Act 1975 (1975 c.20) s.3(2).
(6)	1975 s.284; 1977 Sch.11 §.3; 1982 Sch.7 §§.4, 5.
(7)	1980CJ s. 7(1A); 1995 s.60.
(8)	1975 s.285; 1980CJ s.7(3); 1982 Sch.7 §.6.
(9), (10)	1975 s.286.

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8	1980B s.10; 1985 s.21.
9(1)	1975 ss.4(1), 3(3), 287(1).
(2)	1975 ss.4(2), 287(2).
(3)	1975 ss.4(3), 287(3).
(4), (5)	1975 ss.4(4), (5), 287(4), (5).
10	1975 s.5; 1987 Sch.1 §.4.
11(1), (2)	1975 s.6(1), (2).
(3)	1975 s.6(3); 1995 Sch.6 §.7.
(4)	1975 ss.7(1), (2), 292(1), (2).
12	1975 ss.9, 293.
13	1980CJ s.1.
14(1)	1980CJ s.2(1); 1994 s.129(1).
(2)	1980CJ s.2(2); 1987 Sch.1 §.16(a), (b), 1993P Sch.7.
(3)	1980CJ s.2(3).
(4)	1980CJ s.2(3A); 1987 Sch.1 §.16(c); 1994 Sch.10 §.47; 1995 s.59.
(5)	1980CJ s.2(3B); 1994 Sch.10 §.47.
(6)	1980CJ s.2(4); 1994 s.129(2).
(7) to (9)	1980CJ s.2(5) to (7).
15(1), (2)	1980CJ s.3(1); 1994 s.129(3).
(3) to (5)	1980CJ s.3(2) to (4).
(6)	1980CJ s.3(5); 1985 Sch.2 §.23.
16	1980CJ s.5.
17(1)	1975 ss.19(1), 305; 1980CJ Sch.7 §. 25; 1995 Sch.6 §§.11, 106.
(2)	1975 ss.19(2), 305; 1995 Sch.6 §§.11, 106.
18(1), (2)	1993P s.28(1), (2).
(3)	1993P s.28(3); 1995 s.58(2), Sch.6 §.179(5).
(4)	1993P s.28(3A), (3C); 1995 s.58(3).
(5)	1993P s.28(3B); 1995 s.58(3).
(6)	1993P s.28(4); 1995 s.58(4).
(7), (8)	1993P s.28(5), (6).
19	1993P s.28A; 1995 s.58(5).
20	1993P s.28B; 1995 s.58(5).

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21(1)	1975 ss.18(1), 294(1).
(2) to (5)	1975 ss.18(2) to (5), 294(2) to (5); 1980B s.7(1), (2).
22(1) to (3)	1975 s.295(1), (2); 1980B s.8.
(4), (5)	1975 ss.294(4), (5), 295(3); 1980B ss.7(2), 8.
23(1)	1975 s.26(2); 1995 Sch.6. §.15(a).
(2)	1975 s.26(3); 1995 Sch.6 §.15(b).
(3)	1975 s.26(4).
(4)	1975 s.27.
(5)	1975 s.28(1).
(6)	1975 s.298(1) (part).
(7)	1975 ss.28(2), 298(2).
(8)	1975 ss.28(3), 298(3); 1980CJ Sch.7 §§.26, 51.
24(1)	1975 ss.26(1), 298(1) (part).
(2)	1975 s.35.
(3)	1980B s.1(1); drafting.
(4) to (8)	1980B s.1(2) to (5); 1995 s.1.
25	1980B s.2.
26	1975 s.28A; 1995 s.3.
27(1), (2)	1980B s.3(1), (2); 1995 s.2(2), (3).
(3) to (6)	1980B s.3(2A) to (2D); 1995 s.2(4).
(7) to (10)	1980B s.3(3) to (6).
(11)	1980B s.3(12).
28	1980B s.3(7) to (11).
29	1980B s.4.
30(1)	1975 ss.30(1), 299(1); 1980B s.1(4).
(2)	1975 ss.30(2), 299(2); 1980B Sch.1 §§.4, 6.
(3)	1975 ss.30(3), 299(3).
(4)	1975 ss.30(4), 299(4); 1980B s.1(4).
31	1975 ss.30A, 299A; 1995 s.4.
32(1)	1975 ss.31(1), 300(1) (part).
(2)	1975 ss.31(2), 300(1) (part); 1987 s.62(4)(a).
(3), (4)	1975 ss.31(3), (4), 300(2), (3).

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(5)	1975 ss.31(4A), 300(3A); 1995 Sch.6 §§.16, 105(a).
(6)	1975 ss.31(5), 300(6)(part)
(7), (8)	1975 ss.33(1), 300(4); 1995 Sch.6 §§.17(a), 105(b).
(9)	1975 s.300(4A); 1987 s.62(4)(b).
(10)	1975 s.33(2); 1995 Sch.6 §.17(b).
33	1975 s.32, 300(6)(part)
34(1)	1975 s.12.
(2)	1975 s.74(7).
35(1), (2)	1975 s.19(2) (part), (3), s.305(3).
(3)	1975 s.20(1); 1980CJ s.6(1).
(4)	1975 s.20(3); 1980CJ s.6(1).
(5) to (7)	1975 s.20(3A) to (3C); 1980CJ s.6(1).
(8)	1975 s.20(4).
36(1) to (4)	1975 s.20A(1); 1980CJ s.6(2); 1995 s.10(2).
(5)	1975 s.20A(2); 1980CJ s.6(2).
(6)	1975 s.20A(3), (3A); 1980CJ s.6(2); 1995 s.10(3).
(7)	1975 s.20A(4); 1980CJ s.6(2).
(8)	1975 s.20A(5); 1980CJ s.6(2).
(9)	1975 s.20A(6); 1980CJ s.6(2).
(10), (11)	1975 s.20A(7), (8); 1995 s.10(4).
37(1)	1975 s.20B(1); 1980CJ s.6(2); 1993P Sch.5 §.1(2).
(2) to (4)	1975 s.20B(1A) to (1C); 1993P Sch.5 §.1(2).
(5)	1975 s.20B(2); 1993P Sch.5 §.1(2).
(6)	1975 s.20B(3); 1980CJ s.6(2).
(7), (8)	1975 s.20B(5); 1980CJ s.6(2).
(9)	1975 s.20B(6); 1980CJ s.6(2).
(10)	1975 s.20B(9); 1980CJ s.6(2); 1995 Sch.6 §13.
38	1975 s.20B(4), (7) and (8); 1980CJ s.6(2).
39	1975 s.21.
40	1975 s.22.

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41	1975 ss.170, 369.
42(1)	Social Work (Scotland) Act 1968 (1968 c.49) s.31(1); Health and Social Services and Social Security Adjudications Act 1983 (1983 c.41) Sch.2 §.7.
(2) to (4)	1975 ss.39(1) to (3), 307(1) to (3).
(5), (6)	1975 ss.39(4), (5), 307(4), (5); 1995C Sch.4 §.24(5), (11).
(7), (8)	1975 ss.40(1), (2), 308(1), (2).
(9), (10)	1975 ss.38, 306.
43(1) to (3)	1975 s.296(1); 1980B s.9(a); 1995 Sch.6 §.104.
(4)	1975 s.296(2); 1995 Sch.6 §.104.
(5), (6)	1975 s.296(3), (4); 1995C Sch.4 §.24(9).
(7), (8)	1975 s.296(5), (6); 1980B s.9(b).
44(1)	1975 s.413(1); 1987 s.59(1); 1993P Sch. 5 §.1(32); 1995 Sch.6 §.141; 1995C Sch.4 §.24(17).
(2)	1975 s.413(2); 1987 s.59(1).
(3), (4)	1975 s.413(3A), (4); 1987 s.59(1); 1995C Sch.4 §.24(17).
(5)	1975 s.413(5); 1993P s.8.
(6) to (8)	1975 s.413(6A) to (6C); 1993P s.8; 1995C Sch.4 §.24(17).
(9)	1975 s.413(7); 1987 s.59(1); 1993P Sch.5 §.1(32).
(10)	1975 s.413(3); 1987 s.59(1).
45(1) to (4)	1975 ss.37(1) to (3), 304(1) to (3).
(5)	1975 ss.37(4), 304(4); 1995C Sch.4 §.24(4), (10).
46(1), (2)	1975 ss.171(1), (2), 368(1), (2); 1995C Sch.4 §.24(7), (15); drafting.
(3)	1975 ss.171(3), 368(3); Sexual Offences (Scotland) Act 1976 (c.67) Sch.1; Incest and Related Offences (Scotland) Act 1986 (c.36) Sch.1 §§.1, 3; 1988 Sch.15 §.48.
(4)	1975 ss.171(4), 368(4).

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(5), (6)	1975 ss.171(1), (2), 368(1), (2); 1995C Sch.4 §24(7), (15).
(7)	1975 ss.171(6), 368(6).
47(1) to (3)	1975 ss.169(1), 374(1); 1980CJ s.22.
(4)	1975 ss.169(2), 374(2); 1980CJ s.22; Cable and Broadcasting Act 1986 (c.46) Sch.5 §.30; Broadcasting Act 1990 (c.42) Sch.20 §.21.
(5), (6)	1975 ss.169(3), (4), 374(3), (4); 1980CJ s.22.
48	1975 ss.168, 364; 1980CJ Sch.7 §§.34, 57; 1995C Sch.4 §.24(6), (14).
49(1)	1975 ss.173(1), 372(1); Local Government etc. (Scotland) Act 1994 (c.39) Sch.13 §.97(2).
(2)	1975 ss.173(2), 372(2).
(3)	1975 ss.173(3), 372(3); 1980CJ Sch.7 §.35; Local Government etc. (Scotland) Act 1994 (c.39) Sch.13 §.97(2).
(4), (5)	1975 ss.173(4), (5), 372(4), (5).
(6), (7)	1975 s.373; Local Government etc. (Scotland) Act 1994 (c.39) Sch.13 §97(2).
50(1), (2)	1975 ss.165, 361.
(3), (4)	1975 ss.166(1), (2), 362(1), (2); 1995 Sch.6 §.64.
(5)	1975 ss.167, 363.
(6)	1975 ss.172, 371.
51(1)	1975 ss.23(1), s.329(1); 1987 s.62(2); 1995 Sch.6 §.14; 1995C Sch.4 §.24(13).
(2) to (4)	1975 ss.23(2) to (4), 329(2) to (4); 1995 Sch.6 §.14; 1995C Sch.4 §.24(13).
52(1)	1975 ss.175(2), 376(5).
(2)	1975 ss.25(1), 330(1).
(3)	1975 ss.25(2), 330(2); 1984 Sch.3 §§.24, 31.
(4), (5)	1975 ss.25(3), (4), 330(3), (4).
(6), (7)	1975 ss.25(5), (6), 330(5), (6); 1995 s.53.
53(1)	1974 ss.174A(1) (part), 375A(1) (part); 1983 s.34(a); 1984 Sch.3 §§. 25, 32.

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(2) to (10)	1975 ss.174A(2) to (10), 375A(3) to (11); 1983 s.34(a).
(11), (12)	1975 ss.174A(1) (part), 375A(1) (part), (2); 1983 s.34(a).
54(1) to (4)	1975 ss.174(1) to (1C), 375(2) to (2C); 1995 s.47(1).
(5)	1975 ss.174(5), 375(4).
(6)	1975 ss.174(2), 375(3A); 1995 s.48, Sch.6 §.65.
(7)	1975 s.375(3); 1995 Sch.6 §.132.
(8)	Drafting.
55	1975 ss.174ZA, 375ZA; 1995 s.49(1), (2).
56	1975 ss.174ZB, 375ZB; 1995 s.49(1), (2).
57(1) to (4)	1975 ss.174ZC, 375ZC; 1995 s.50(1), (2).
(5)	Drafting.
58(1), (2)	1975 ss.175(1), 376(1); 1983 Sch.2 §§.31, 34(a); 1984 Sch.3 §§.26, 33.
(3)	1975 s.376(3); 1995 Sch.6 §.133(b).
(4)	1975 ss.175(3), 376(6).
(5)	1975 ss.175(4), 376(7).
(6)	1975 ss.175(5), 376(8); 1983 Sch.2 §§.31, 34.
(7)	1975 ss.175(6), 376(9); 1983 Sch.2 §§.31, 34.
(8)	1975 ss.175(7), 376(10); 1983 Sch.2 §§.31, 34.
(9)	1975 ss.177, 378; 1995C Sch.4 §.24(8), (16).
(10)	1975 s.376(4).
59(1)	1975 ss.178(1), 379(1); 1983 s.22(2); 1984 Sch.3 §§.28, 35; 1995 s.54.
(2)	1975 ss.178(2), 379(2); 1983 Sch.2 §§.33, 36; 1984 Sch.3 §§.28, 35;
(3)	1975 ss.178(3), 379(3); 1983 Sch.2 §§.33, 36; 1984 Sch.3 §§.28, 35; 1995 Sch.6 §§.67, 135.
60	1975 ss.280, 443; 1980CJ Sch.2 §.32, Sch.3 §.2; 1983 s.34(b), (d).

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61(1)	1975 ss.176(1), 377(1); 1983 Sch.2 §§.32, 35; 1984 Sch.3 §§.27, 34; 1995 Sch.6 §§.66(a), 134(a).
(2)	1975 ss.176(1A), 377(1A); 1983 s.35(a), (b).
(3)	1975 ss.176(2), 377(2); 1995 Sch.6 §§.66(b), 134(b).
(4)	1975 ss.176(3), 377(3).
(5)	1975 ss.176(4), 377(4); 1995 Sch.6 §§.66(c), 134(c).
62	1975 ss.174ZD, 375ZD; 1995 s.51.
63(1) to (5)	1975 ss.174ZE, 375ZE; 1995 s.52.
(6)	Drafting.
64(1) to (4)	1975 s.41.
(5)	1975 s.57.
(6)	Drafting.
65(1) to (3)	1975 s.101(1); 1980CJ s.14(1).
(4) to (9)	1975 s.101(2) to (6); 1980CJ s.14(1).
(10)	1975 s.101(1A); 1995 s.15.
66(1), (2)	1975 s.69(1); 1980CJ Sch.4 §.2; 1995 Sch.6 §.26(a).
(3)	1975 s.69(2); 1995 Sch.6 §.26(b).
(4)	1975 s.70.
(5)	1975 s.78(1); 1980CJ Sch.4 §.8; 1995 Sch.6 §.30.
(6)	1975 s.75; 1980CJ Sch.4 §.4; 1995 s.13(1).
(7)	1975 s.71; 1980CJ Sch.7 §.27.
(8)	1975 s.73(1); 1995 Sch.6 §.28.
(9)	1975 s.72(1); 1995 Sch.6 §.27(a), (b).
(10)	1975 s.72(2); 1995 Sch.6 §.27(c).
(11)	1975 s.73(2)
(12) to (14)	1975 s.58; 1995 Sch.6 §.22.
67(1)	1975 s.79(1) (part); 1995 Sch.6 §.31.
(2)	1975 s.79(2).
(3)	1975 s.80(1); 1980CJ Sch.4 §.9; 1995 Sch.6 §.32.
(4)	1975 s.80(2); 1980CJ Sch 4 §.9;

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(5)	1975 s.81; 1980CJ Sch.7 §.28; 1995 Sch.6 §.33.
(6)	1975 s.82A; 1980CJ s.27.
68(1)	1975 s.78(2); 1980CJ Sch.4 §.8.
(2)	1975 s.83; 1980CJ Sch.4 §.11.
(3), (4)	1975 s.84; 1980CJ Sch.4 §.12; 1995 s.23.
69(1)	1975 s.68(1).
(2)	1975 s.68(2); 1995 Sch.6 §.25.
(3)	1975 s.68(3) (part); 1980CJ Sch.4 §.1.
(4)	1975 s.68(4) (part); 1995 Sch.6 §.25.
(5)	1975 s.68(3) (part) and (4) (part); 1980CJ Sch 4 §.1; 1995 Sch.6 §.25.
70(1)	Drafting.
(2), (3)	1975 s.74(1).
(4)	1975 s.74(2).
(5)	1975 s.74(4); 1980CJ Sch.4 §.3(b).
(6)	1975 s.74(5)
(7)	1975 ss.74(6), 103(4).
(8)	1975 s.74(8)
71	1975 s.75A; 1995 s.13(2).
72(1)	1975 s.76(1) (part) and (2), s.108(1) (part); 1980CJ Sch.4 §.5, §.19; 1985 Sch.2 §.18; 1993P s.39(2), Sch.5 §.1(3); 1995 s.13(3)(a), Sch.6 §.39.
(2)	1975 s.76(1) (part); 1980CJ Sch.4 §.5.
(3) to (6)	1975 s.76(3) to (5), (7).
73(1), (2)	1975 s.76(6) (part).
(3) to (6)	1975 s.76(6A) to (6D); 1995 s.13(3)(b).
(7)	1975 s.109(part).
(8)	1975 s.76(6) (part); drafting.
74	1975 s.76A; 1980CJ Sch.4 §.5; 1995 s.13(4).
75	1975 s.111A; 1980CJ Sch.7 §.31.
76	1975 s.102; 1980CJ s.16.
77(1)	1975 s.103(1) and (4), s.124 (part); 1980CJ Sch.4 §.14; 1995 Sch.6 §.38.
(2), (3)	1975 s.103(2), (3); 1980CJ Sch.4 §.14.

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78(1)	1975 s.82(1) (part); Act of Adjournal (Consolidation) 1988 (S.I. 1988/110) s.68 (part); 1980CJ s.13; 1995 Sch.6 §.34(a).
(2)	1975 s.82(1A); 1995 s.11.
(3)	1975 s.82(1) (part); Act of Adjournal (Consolidation) 1988 (S.I. 1988/110) s.68 (part); 1980CJ s.13; 1995 Sch.6 §.34(a).
(4)	1975 s.82(2); 1980CJ Sch.4 §.10; 1995 Sch.6 §.34(b).
(5)	1975 s.82(3); 1980CJ Sch.4 §.10.
79(1)	1975 s.108(1) (part) and (2); 1980CJ Sch.4 §.19; 1985 Sch.2 §.18; 1995 Sch.6 §.39.
(2)	1975 s.108(1) (part); 1980CJ Sch.4 §.19; 1985 Sch.2 §.18; 1995 Sch.6 §.39.
80(1)	1975 s.77; 1980CJ Sch.4 §.6; 1995 Sch.6 §.29.
(2) to (4)	1975 s.77A(1) to (3); 1980CJ Sch.4 §.7.
(5), (6)	1975 s.77A(4), drafting; 1980CJ Sch.4 §.7.
81(1)	1975 s.127(1); 1980CJ Sch.4 §.27; 1995 Sch.6 §44(a).
(2)	1975 s.127(1ZA); 1995 Sch.6 §.44(b).
(3)	1975 s.127(1A); 1980CJ s.18(1).
(4) to (6)	1975 s.127(2) to (4); 1995 Sch.6 §44(c).
(7)	1975 s.127(5); 1995 Sch.6 §.44(d).
82	1975 s.111.
83	1975 s.114A; 1995 Sch.6 §.41.
84(1)	1975 s.85; 1995 Sch.6 §.35.
(2)	1975 s.86(1); 1987 Sch.1 §.5.
(3)	1975 s.86(2); 1987 Sch.1 §.5.
(4)	1975 s.89; 1985 Sch.2 §.16.
(5)	1975 s.90; 1985 Sch.2 §.16.
(6)	1975 s.91; 1980LR Sch.2 §.6; 1985 Sch.2 §.16 .
(7)	1975 s.92.
(8)	1975 s.93; 1995 Sch.6 §.36.
(9)	1975 s.94

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(10)	1975 s.95.
85(1)	1975 s.96(1); 1980CJ Sch.4 §.13.
(2)	1975 s.96(2).
(3)	1975 s.97.
(4), (5)	1975 s.98; 1980CJ Sch.7 §.29; 1985 Sch.2 §.17.
(6), (7)	1975 s.99; 1980LR s.2(3).
(8)	1975 s.100(1); 1995 Sch.6 §.37.
86(1)	1975 s.130(3A); 1995 s.8.
(2)	1975 s.130(4).
(3)	1975 s.130(5); 1980LR Sch.2 §.7.
(4)	1975 s.130(6).
87	1975 s.128; 1995 s.30(2), (3).
88(1)	1975 s.125; 1995 Sch.6 §.43.
(2)	1975 s.129 (part); 1987 Sch.1 §.7; 1995 Sch.6 §.45.
(3)	1975 s.131, drafting.
(4)	1975 s.132(1).
(5), (6)	1975 s.135(1); 1995 Sch.6 §.48(a), (b); drafting.
(7)	1975 s.133.
(8)	1975 s.137.
89	1975 s.135(2) to (4); 1995 Sch.6 §.48(c).
90	1975 s.134; 1995 Sch.6 §.47.
91	1975 s.136.
92(1), (2)	1975 s.145(1); 1980CJ s.21.
(3)	1975 s.145(3).
93	1975 s.274; 1980CJ Sch.8; 1995 Sch.6 §.98.
94	1975 s.275; 1993P Sch.5 §.1(27).
95	1975 s.137A; 1993P Sch.1 §.1(5).
96	1975 s.123.
97(1)	1975 s.140A(1); 1980CJ s.19(1); 1995 Sch.6 §.49.
(2), (3)	1975 s.140A(3), (4); 1980CJ s.19(1).
(4)	1975 s.140A(2); 1980CJ s.19(1).

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98	1975 s.152.
99(1)	1975 s.153(2); 1980CJ s.24(1).
(2), (3)	1975 s.153(3); 1980CJ s.24(1); 1995 Sch.6 §.57(b).
(4)	1975 s.153(3A); 1980CJ s.24(1).
(5)	1975 s.153(4).
(6)	1975 s.155A; 1993P s.40(1).
100(1), (2)	1975 s.154; 1980CJ s.24(2).
(3)	1975 s.155(part); drafting.
101(1)	1975 s.160(1).
(2)	1975 ss.160(2), 161(5); 1995 s.24(3).
(3)	1975 s.161(1).
(4), (5)	1975 s.161(2).
(6)	1975 s.161(4).
(7)	1975 s.159(2).
(8)	1975 s.161(3).
102(1)	1975 s.156(1) and (2); 1995 Sch.6 §.58.
(2)	1975 s.157(1); 1995 Sch.6 §.59.
(3)	1975 ss.156(3) and 157(3).
(4)	1975 s.156(6).
(5)	1975 s.158.
103(1)	1975 s.245(2); 1987 Sch.1 §.13(2); drafting.
(2)	1975 s.245(1); 1987 Sch.1 §.13(1); 1995 s.43(1).
(3)	1975 s.245(1A); 1995 s.43(1).
(4)	1975 s.245(3); 1980CJ Sch.8.
(5)	1975 ss.247(part), 248; 1980CJ Sch.2 §.15, Sch.8.
(6)	1975 s.247(part); 1980CJ Sch.2 §.15, Sch.8.
(7)	1975 s.249.
(8)	1975 s.250.
104(1)	1975 s.252; 1980CJ Sch.2 §.16; 1993P Sch.5 §.1(18).
(2), (3)	1975 s.253; 1980CJ Sch.8.
105(1) to (4)	1975 s.251(1) to (4)

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(5)	1975 s.251(5); 1980CJ Sch.7 §.44.
(6)	1975 s.251(6).
106(1), (2)	1975 s.228(1); 1980CJ Sch.2 §.1; 1993CJ s.68(1); 1995 s.42(1).
(3)	1975 s.228(2); 1980CJ Sch.2 §.1.
(4)	1975 s.270(1).
(5) to (9)	1975 s.270(2) to (4); 1980CJ Sch.2 §.26; 1995 Sch.6 §.96.
107	1975 s.230A; 1995 s.42(2).
108	1975 s.228A; 1993P s.42(1); 1993CJ s.68(2).
109(1)	1975 s.231(1) (part) and (2); 1980CJ Sch.2 §.3; 1987 s.45(6)(a).
(2)	1975 s.231(1) (part); 1980CJ Sch.2 §.3; 1987 s.45(6)(a).
(3)	1975 s.231(3); 1980CJ Sch.2 §.3.
(4), (5)	1975 s.231(4); 1987 s.45(6)(b).
(6)	1975 s.231(5); 1987 s.45(6)(c).
110(1), (2)	1975 s.233(1); 1980CJ Sch.2 §.5; 1993P Sch.5 §.1(9); 1993CJ Sch.5 §.2(4).
(3), (4)	1975 s.233(2), (3); 1980CJ Sch.2 §.5.
(5)	1975 s.233(3A); 1995 s.42(3).
(6)	1975 s.233(4); 1980CJ Sch.2 §.5; 1993CJ Sch.5 §.2(4).
111	1975 s.236B; 1980CJ Sch.2 §.8; 1993P Sch.5 §1(11).
112(1)	1975 s.238(1); 1993CJ Sch.5 §.2(5); 1995 s.5(2).
(2)	1975 s.238(1A); 1995 s.5(3).
(3), (4)	1975 s.238(2); 1980CJ Sch.2 §.10(a); 1995 Sch.6 §.81.
(5)	1975 s.238(3); 1980CJ Sch.2 §.10(b).
113	1975 s.236A; 1980CJ Sch.2 §.8; 1995 Sch.6 §.78.
114	1975 s.235; 1995 Sch.6 §.77.
115(1), (2)	1975 s.234(1); 1980CJ Sch.8.
(3), (4)	1975 s.234(2), (3); 1980CJ Sch.8.
116(1)	1975 s.244(1); 1980CJ Sch.2 §.13.

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(2)	1975 s.244(2); 1980CJ Sch.2 §.13; 1993CJ Sch.5 §.2(6).
117(1), (2)	1975 s.241; 1980CJ Sch.7 §.41.
(3)	1975 s.240; 1993P Sch.5 §.1(15); 1995 Sch.6 §.83.
(4), (5), (6)	1975 s.242; 1980CJ Sch.7 §.42.
(7)	1975 s.242A; 1993P Sch.5 §.1(16).
(8)	1975 s.243; 1980CJ Sch.7; 1993P Sch.5 §.1(17).
(9)	1975 s.239(1); 1980CJ Sch.2 §.11; 1993 Sch.5 §.1(14); 1995 Sch.6 §.82.
118(1), (2)	1975 s.254(1); 1980CJ Sch.2 §.18; 1993CJ Sch.5 §.2(7).
(3)	1975 s.254(2); 1993CJ Sch.5 §.2(7).
(4)	1975 s.254(3), (4A); 1993CJ Sch.5 §.2(7).
(5)	1975 s.254(4); 1993CJ Sch.5 §.2(7); 1995 Sch.6 §.85.
(6)	1975 s.254(5); 1995 Sch.6 §.85.
(7)	1975 s.254A(1); 1995 s.34(1).
(8)	1975 s.254B; 1995 Sch.6 §.86.
119(1),	1975 s.255(1) (part); 1980CJ Sch.2 §.19; 1995 s.46(1).
(2)	1975 s.255(1A); 1995 s.46(1).
(3)	1975 s.255(1) (part); 1980CJ Sch.2 §.19; 1995 s.46(1).
(4)	1975 s.255(2); 1980CJ Sch.2 §.19.
(5)	1975 s.255(3) (part); 1980 Sch.2 §.19.
(6)	1975 s.255(1B); 1995 s.46(1).
(7)	1975 s.255(1C); 1995 s.46(1).
(8)	1975 s.255(3) (part); 1980CJ Sch.2 §.19.
(9)	1975 s.255(4); 1980CJ Sch.2 §.19.
(10), (11)	1975 s.255(5), (6); 1995 s.46(1)(c)
120(1)	1975 s.257; 1980CJ Sch.8; 1995 Sch.6 §.88.
(2)	1975 s.258; 1993P Sch.5 §.1(19).
(3)	1975 s.260.

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(4)	1975 s.261; 1980CJ Sch.7 §.45; 1993P Sch.5 §.1(20)
121(1), (2)	1975 s.264(1), (2); 1980CJ Sch.2 §.23; 1995 Sch.6 §.92(a).
(3)	1975 s.264(3); 1987 s.68(3).
(4)	1975 s.264(4); 1995 Sch.6 §.92(b).
122(1), (2)	1975 s.265(1), (2); 1995 Sch.6 §.93.
(3)	1975 s.265(4).
(4)	1975 s.265(4A); 1993P Sch.5 §.1(22).
123	1975 s.263A; 1980CJ s.37; 1995 Sch.6 §.91.
124(1)	1975 s.263(1) (part); 1980CJ Sch.2 §.22.
(2)	1975 ss.262, 281.
(3)	1975 s.263(1) (part); 1980CJ Sch.2 §.22.
(4)	1975 s.263(2); 1987 Sch.2.
(5)	1975 s.263(3); 1995 Sch.6 §.90.
125(1)	1975 s.268(1); 1987 Sch.1 §.14(1); 1993P Sch.5 §.1(23); 1993CJ Sch.5 §.2(8).
(2)	1975 s.268(2); 1987 Sch.1 §.14(2); 1993P Sch.5 §.1(23); 1993CJ Sch.5 §.2(8).
(3)	1975 s.268(3); 1987 Sch.1 §.14(3); 1993P Sch.5 §.1(23).
(4)	1975 s.268(4); 1980CJ Sch.7 §.46; 1995 Sch.6 §.94.
126	1975 s.269; 1980CJ Sch.2 §.25; 1993P Sch.5 §.1(24); 1995 Sch.6 §.95.
127	1975 s.271; 1980CJ Sch.2 §.27; 1985 Sch.2 §.19.
128	1975 ss.266, 267.
129(1), (2)	1975 s.277(1); 1980CJ Sch.8.
(3)	1975 s.277(2); 1980 CJ Sch.2 §.31, Sch.8; 1995 Sch.6 §.100.
(4)	1975 s.277(1) (part).
130	1975 s.230.
131	1975 s.280A; 1980CJ s.35.
132	1975 s.279.

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133(1)	1975 s.283(1); 1995 Sch.6 §.102.
(2)	1975 s.283(1A); 1995 Sch.6 §.102.
(3)	1975 s.283(2) (part).
(4)	1975 s.283(3); drafting.
(5)	1975 s.310A; 1995 s.63.
134	1975 s.310; 1995 Sch.6 §.108; drafting.
135(1)	1975 s.321(1); 1995 Sch.6 §.117(a).
(2)	1975 s.321(2).
(3), (4)	1975 s.321(3); 1980B Sch.1 §.7; 1995 Sch.6 §.117(b).
(5)	1975 s.321(4).
136	1975 s.331; Incest and Related Offences (Scotland) Act 1986 (1986 c.36) Sch.1 §.2; 1995 s.62.
137(1)	1975 s.314(3); 1980CJ Sch.8.
(2)	1975 s.314(4); 1980CJ s.11.
(3)	1975 s.314(4A); 1995 Sch.6 §.111(b).
(4), (5)	1975 s.314(5), (6); 1980CJ s.11.
138(1)	1975 s.311(1) (part) & (2); 1995 Sch.6 §.109; drafting.
(2)	1975 s.312 (part); drafting.
(3)	1975 s.311(3).
(4)	1975 s.312(a) — (z), drafting.
139(1)	1975 s.314(1); 1995 Sch.6 §.111(a).
(2)	1975 s.314(2); 1980CJ s.11.
140	1975 s.315; 1995 Sch.6 §.112.
141(1)	1975 s.316(1) & (2) (part).
(2)	1975 s.316(2) (part).
(3), (4)	1975 s.316(3); 1995 Sch.6 §.113.
(5)	1975 s.316(4).
(6), (7)	1975 s.319; 1995 Sch.6 §.115; drafting.
142(1)	1975 s.366(1); 1995 Sch.6 §.131.
(2) to (4)	1975 s.367.
(5)	1975 s.370; 1980CJ Sch.7 §.58.
143	1975 s.333.
144(1)	1975 s.334(1) (part); 1980CJ Sch.7 §.54(a); 1993P Sch.5 §.1(30).

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(2), (3)	1975 s.334(3).
(4), (5)	1975 s.334(1) (part) & (2) (part); 1980CJ Sch.7 §.54(b).
(6) to (8)	1974 S.334(4) to (6).
(9)	1975 s.334(1) (part); 1980CJ Sch.7 §.54(a); drafting.
145	1975 s.333A; 1993P s.38(1).
146(1)	1975 s.337(part).
(2)	1975 s.337(a); 1980B Sch.2.
(3)	1975 s.337(b).
(4), (5)	1975 s.337(c).
(6)	1975 s.337(d); 1980B Sch.1 §.8; 1987 s.62(3).
(7) to (9)	1975 s.337(f) to (h).
147	1975 s.331A; 1980CJ s.14(2).
148	1975 s.337A; 1980CJ s.15; 1995 s.14; drafting.
149	1975 s.339; 1995 Sch.6 §.121.
150(1)	1975 s.338(1) (part); 1995 Sch.6 §.120.
(2)	1975 s.338(1)(a) (part).
(3)	1975 s.338(1)(c).
(4)	1975 s.338(1)(a) (part).
(5), (6), (7)	1975 s.338(1)(b).
(8), (9), (10)	1975 s.338(2) to (4); 1980CJ s.17.
151	1975 s.331B; 1995 s.30(4).
152	1975 s.338A; 1980CJ s.18(2).
153	1975 s.337B; 1995 s.31.
154	1975 s.353.
155(1)	1975 s.344(1); 1980CJ s.46(1)(c); 1982 Sch.7 §.7; 1995 Sch.6 §.122.
(2), (3)	1975 s.344(2), (3).
(4)	1975 s.344(4); 1980CJ Sch.7 §.55.
156(1), (2)	1975 s.320; 1995 Sch.6 §.116.
(3), (4)	1975 s.321(5), (6); 1995 Sch.6 §.117.
157	1975 s.359; 1995 Sch.6 §.128.
158	1975 s.360A(1); 1993P s.40(2); 1995 Sch.6 §.130.

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159	1975 s.335; 1995 Sch.6 §.118.
160	1975 345A; 1980CJ s.19(2).
161	1975 s.351.
162	1975 s.355.
163(1)	1975 s.440; 1995 Sch.6 §.145.
(2)	1975 s.441; 1995 Sch.6 §.146.
164	1975 s.427.
165	1975 s.429.
166(1) to (6)	1975 s.357(1); 1980CJ s.40; 1995 Sch.6 §.127(a).
(7)	1975 s.356(2).
(8)	1975 s.357(5); 1995 s.24(6).
167(1)	1975 s.433.
(2), (3), (4)	1975 s.430(1); 1995 Sch.6 §.142(a).
(5), (6)	1975 s.430(2), (3).
(7)	1975 s.430(4); 1995 Sch.6 §.142(b).
(8)	1975 s.434.
168	1975 s.303(1).
169	1975 s.424; 1980CJ Sch.7 §.68.
170	1975 s.456.
171	1975 s.332.
172(1)	1975 s.309(1); 1995 Sch.6 §.107.
(2), (3)	1975 s.309(2) (part), (3).
173	1975 s.451A; 1995 s.43(2).
174	1975 s.334(2A) to (2D); 1980CJ s.36.
175(1) to (4)	1975 s.442(1); 1980 Sch.3 §.1; 1993CJ s.68(3); 1995 s.42(4).
(5), (6)	1974 s.442(2), (3); 1980 Sch.3 §.1.
(7), (8)	1975 s.442A(1), (2); 1980CJ Sch.3 §.1.
(9)	1975 s.442B; 1980CJ Sch.3 §.1; 1993CJ Sch.5 §.2(1).
(10)	1975 s.283(2) (part).
176(1)	1975 s.444(1); 1980CJ Sch.3 §.3; 1993CJ Sch.5 §.2(12); 1995 Sch.6 §.148.
(2)	1975 s.444(1A); 1980CJ Sch.3 §.3.
(3)	1975 s.444(1B); 1980CJ Sch.3 §.3.

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(4)	1975 s.444(2).
(5)	1975 s.450; 1980CJ Sch.3 §.9; drafting.
177(1)	1975 s.446(1); 1980CJ Sch.3 §.5.
(2), (3)	1975 s.446(2).
(4)	1975 s.446(3).
(5) to (7)	1975 s.446(4) to (6); 1995 Sch.6 §.149.
178(1)	1975 s.447(1); 1980CJ Sch.3 §.6; 1985 Sch.2 §.20.
(2)	1975 s.447(2); 1980CJ Sch.8.
179	1975 s.448(1) — (5); 1980CJ Sch.3 §.7; 1985 Sch.4.
180	1975 s.442ZA; 1995 s.42(5).
181(1), (2)	1975 ss.444(3), (4), 448(6), (7); 1980CJ Sch.3 §.7.
(3)	1975 ss.444(5), 448(8); 1980B Sch.1 §.10, §.12; 1980CJ Sch.3 §.3, §.7.
182	1975 s.452; 1980CJ Sch.3 §.11; 1995 s.42(6).
183(1), (2)	1975 s.452A(1); 1980CJ Sch.3 §.11; 1993P Sch.5 §.1(35).
(3)	1975 s.452A(2) (part); 1980CJ Sch.3 §.11; 1993P Sch.5 §.1(35)(b); 1993CJ Sch.5 §.2(13).
(4)	1975 s.452A(3); 1980CJ Sch.3 §.11.
(5)	1975 s.452A(2) (part); 1980CJ Sch.3 §.11; 1993P Sch.5 §.1(35)(b); 1993CJ Sch.5 §.2(13).
(6), (7)	1975 s.452A(7); 1980CJ Sch.3 §.11.
(8)	1975 s.452A(4A); 1993CJ Sch.5 §.2(13).
(9)	1975 s.452A(5); 1980CJ Sch.3 §.11.
(10)	1975 s.452A(6); 1980CJ Sch.3 §.11.
184	1975 s.449; 1980CJ Sch.3 §.8.
185(1)	1975 s.452B(1) (part); 1980CJ Sch.3 §.11; 1995 s.46(2).
(2)	1975 s.452B(1A); 1995 s.46(2).
(3)	1975 s.452B(1) (part); 1980CJ Sch.3 §.11.
(4)	1975 s.452B(2); 1980CJ Sch.3 §.11.

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(5)	1975 s.452B(3) (part); 1980CJ Sch.3 §.11.
(6), (7)	1975 s.452B(1B), (1C); 1995 s.46((2)).
(8)	1975 s.452B(3) (part); 1980CJ Sch.3 §.11.
(9)	1975 s.452B(4); 1980CJ Sch.3 §.11.
(10)	1975 s.452B(5); 1995 s.46(2)(c)
186(1), (2)	1975 s.453B(1), (2); 1980CJ Sch.3 §.13; 1993P Sch.5 §.1(36); 1993CJ Sch.5 §.2(14).
(3)	1975 s.453B(3); 1980CJ Sch.3 §.13; 1993CJ Sch.5 §.2(14).
(4), (5)	1975 s.453B(4); 1980CJ Sch.3 §.13; 1993CJ Sch.5 §.2(14); 1995 s.45(2).
(6)	1975 s.453B(4A); 1995 Sch.6 §.152.
(7)	1975 s.453B(5); 1980CJ Sch.3 §.13; 1993P Sch.5 §.1(36).
(8), (9)	1975 s.453B(6), (7); 1980CJ Sch.3 §.13; 1993P Sch.5 §.1(36); 1993CJ Sch.5 §.2(14).
(10)	1975 s.453B(8); 1980CJ Sch.3 §.13.
187	1975 s.453AA; 1995 s.42(7).
188(1)	1975 s.453(1); 1993P s.43; 1995 Sch.6 §.151(2).
(2), (3)	1975 s.453(2), (3); 1993P s.43.
(4)	1975 s.453(4); 1993P s.43; 1995 Sch.6 §.151(3).
(5), (6), (7)	1975 s.453(5), (6), (7); 1993P s.43.
189(1), (2)	1975 s.453C(1); 1980CJ Sch.3 §.13.
(3)	1975 s.453C(2); 1980 Sch.3 §.13.
(4)	1975 s.453C(3); 1980CJ Sch.3 §.13; 1993P Sch.5 §.1(37); 1993CJ Sch.5 §.2(15).
(5), (6)	1975 s.453C(4), (5); 1993CJ Sch.5 §.2(15).
(7)	1975 s.455A(1); 1995 s.34(2).
190	1975 s.453D; 1980CJ Sch.3 §.13; 1995 Sch.6 §.153.
191(1), (2)	1975 s.453A(1); 1980CJ Sch.3 §.13.

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(3), (4)	1975 s.453A(2), (3); 1980CJ Sch.3 §.13.
192(1), (2)	1975 s.453E; 1980CJ Sch.3 §.13.
(3)	1975 s.454(1); 1995 Sch.6 §.154.
(4), (5)	1975 s.455(1), (2).
193(1), (2)	1975 s.443A(1), (2); 1987 s.68(1); 1993CJ Sch.5 §.2(11).
(3)	1975 s.443A(3); 1995 Sch.6 §.147.
194(1)	1975 s.451(1); 1980CJ Sch.3 §.10.
(2)	1975 s.451(2); 1980CJ Sch.3 §.10; 1995 s.45(1).
(3)	1975 s.451(3); 1980CJ Sch.3 §.10; 1995 Sch.6 §.150.
195(1)	1975 104(1); 1980CJ Sch.4 §.15.
(2)	1975 s.104(1A); 1987 s.58(2).
(3), (4)	1975 s.104(2), (3); 1980CJ Sch.4 §.15.
196	1975 ss.217A, 430A; 1995 s.33.
197	1975 ss.254A(2), 455A(2); 1995 s.34.
198(1)	1975 s.217(1) (part); drafting.
(2), (3)	1975 s.217(2), (3); drafting.
199	1975 ss.193, 394; 1977 Sch.13 §.7; 1980CJ s.46(2), Sch.8; 1982 Sch.7 §.10; drafting.
200(1), (2)	1975 ss.180(1) (part), 381(1) (part); 1995 s.55(2).
(3), (4), (5)	1975 ss.180(1A) to (1C), 381(1A) to (1C); 1995 s.55(3).
(6)	1975 ss.180(2), 381(2); 1980B Sch.1 §.5, Sch.2.
(7)	1975 ss.180(4), 381(4); 1995 s.55(4).
(8)	1975 ss.180(4A), 381(4A); 1995 s.55(5).
(9)	1975 ss.180(5), 381(5); 1980B s.6(b); 1995 s.55(6).
(10), (11)	1975 ss.180(6), (7), 381(6), (7); 1995 s.55(7).
201(1) to (3)	1975 ss.179(1), 380(1); 1980B s.5(a); 1980CJ Sch.7 §.36(a), §.59(a); 1995 Sch.6 §.68.

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(4)	1975 s.179(2), s.380(2); 1980B s.5(b); 1980CJ Sch.7 §.36(b), §.59(b).
202	1975 ss.219, 432; 1980CJ s.54; 1995 Sch.6 §.143.
203(1)	1975 ss.179A, 380A(1); 1995 s.37.
(2)	1975 s.380A(2); 1995 s.37(2).
(3)	1975 ss.192(part), 393(part); 1995 Sch.6 §.74.
204(1)	1980CJ s.41(1).
(2)	1980 s.42(1).
(3)	1980CJ s.42(2).
(4)	1980CJ ss.41(2), 42(3) (part); 1987 Sch.1 §.17; 1988 Sch.9 §.5.
(5)	1980CJ ss.41(3), 42(3) (part).
(6)	1980CJ s.41(4).
205(1) to (3)	1975 s.205(1) to (3); 1980CJ s.43.
(4) to (6)	1975 s.205A(1) to (3); 1980CJ s.43.
206	1975 s.425.
207(1) to (4)	1975 ss.207(1) to (4), 415(1) to (4); 1980CJ s.45(1).
(5)	1975 ss.207(5), 415(5); 1980CJ ss.45(1); 1985 s.43(a); 1988 s.124.
208	1975 s.206; 1980CJ s.44; Prisons (Scotland) Act 1989 (1989 c.45) Sch.2 §.12.
209(1)	1975 s.212A(1); 1993P s.14(1).
(2)	1975 s.212A(1A); 1995 s.36.
(3), (4)	1975 s.212A(2), (3); 1993P s.14(1); 1994 s.132.
(5) to 97)	1975 s.212A(4) to (6).
(8)	1975 s.212A(7); 1993CJ s.69.
210(1)	1975 ss.218(1), 431(1); 1980 Sch.7 §.70, Sch.8; 1993P s.41.
(2), (3)	1975 ss.218(2), (3), 431(2), (3); 1993P s.41.
211(1)	1975 s.193A(1); 1977 Sch.11 §.1; 1980CJ Sch.7 §.37; 1982 Sch.15 §.17.
(2)	1975 s.193A(2); 1982 Sch.15 §.17.
(3)	1975 ss.196(1), 402; 1995 Sch.6 §.75.

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(4)	1975 s.196(2); 1980CJ s.48.
(5)	1975 s.203.
(6)	1975 s.412.
(7)	1975 ss.194, 395(1).
212(1), (2)	1975 s.395(2) (part); 1980CJ Sch.7 §.60.
(3) to (7)	1975 s.395(3) to (7).
(8), (9)	1975 s.395(2) (part); 1980CJ Sch.7 §.60.
213	1975 ss.194, 395A(1) to (3); 1980CJ ss.47, 49.
214(1) to (6)	1975 ss.194, 396(1) to (6); 1980CJ s.47; drafting.
(7)	1975 ss.194, 396(7); 1980CJ s.47; 1995 Sch.6 §.137.
(8)	1975 ss.194, 399(1); 1980CJ s.47.
(9)	1975 ss.194, 399(2) & (3); 1980CJ s.47, Sch.7 §.62(b).
215(1), (2)	1975 ss.194, 397; 1977 Sch.11 §.8; Magistrates' Courts Act 1980 (1980 c.43) Sch.7 §.136; 1980CJ s.47.
(3), (4)	1975 ss.194, 397(2), (3); 1980CJ s.47.
216(1), (2)	1975 ss.194, 398(1); 1980CJ s.47, Sch.7 §.61; 1995 Sch.6 §.138.
(3)	1975 ss.194, 398(2); 1980CJ s.47.
(4)	1975 ss.194, 398(3); 1980CJ s.47.
(5)	1975 ss.194, 318(1); 1980CJ s.47..
(6)	1975 ss.194, 318(2) & (3), 398(4) & (5); 1980CJ s.47; 1995 Sch.6 §.114.
(7)	1975 ss.194, 406; 1980CJ s.47; 1995 Sch.6 §.139.
217	1975 ss.194, 400; 1980CJ s.47.
218(1), (2)	1975 ss.194, 401(1), (2); 1980CJ s.47.
(3)	1975 ss.194, 401(3); 1980CJ s.47, Sch.7 §.63.
219(1)	1975 ss.194, 407(1); 1980CJ ss.47, 50; 1990 Sch.8 §.27(3).
(2)	1975 ss.194, 407(1A); 1980CJ ss.47, 50; 1985; 1987 s.67(1); 1991 s.23(2).

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(3) to (5)	1975 ss.194, 407(1B) to (1D); 1980CJ s.47, 50.
(6)	1975 ss.194, 407(2); 1980CJ s.47.
(7)	1975 ss.194, 407(4); 1980CJ s.47.
(8)	1975 ss.194, 407(5); 1980CJ s.47; 1987 s.67(2).
220(1), (2)	1975 ss.194, 409(1); 1980CJ s.47, Sch.7 §.65.
(3)	1975 s.194, Sch.7; 1980CJ s.47.
(4)	1975 ss.194, 409(2); 1980CJ s.47.
221(1)	1975 ss.194, 411(1); 1980CJ s.47; Debtors (Scotland) Act 1987 (1987 c.18) Sch.6 §.18.
(2), (3)	1975 ss.194, 411(3); 1980CJ s.47.
(4)	1980CJ s.52(part).
222(1)	1975 ss.194, 403(1); 1977 Sch.7 §.2; 1980CJ s.47.
(2)	1975 ss.194, 403(2); 1980CJ s.47.
(3)	1975 ss.194, 403(3); 1980CJ s.47; 1995 s.67(2).
(4)	1975 ss.194, 403(3A); 1980CJ s.47; 1995 s.67(3).
(5)	1975 ss.194, 403(3B); 1980CJ s.47; 1995 s.67(3).
(6)	1975 ss.194, 403(4); 1977 Sch.7 §.2; 1980CJ s.47.
(7)	1975 ss.194, 403(4A); 1980CJ s.47; 1994 s.47(4).
(8)	1975 ss.194, 403(6); 1977 Sch.7 §.2; 1980CJ s.47.
223	1975 s.404.
224	1975 ss.194, 408; 1980CJ s.47; 1995 Sch.6 §.140.
225(1)	1975 s.289G(1); 1982 s.54.
(2)	1975 s.289G(2); 1982 s.54; S.I. 1984/526; 1991 s.17(1).
(3)	1975 s.289G(3); 1982 s.54.
(4)	1975 s.289D(1); 1977 Sch.11 §.5; 1982 s.53(a).

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(5)	1975 s.289D(1A); 1982 s.53(a); 1994 s.157(7).
(6)	1975 s.289D(1B); 1982 s.53(a); drafting.
(7)	1975 s.289D(4); 1977 Sch.11 §.5; 1987 Sch.2.
(8)	1975 s.289B(6) (part); drafting.
226	1975 s.289GB; 1987 s.66(2).
227	1975 s.182A; 1995 Sch.6 §.69.
228(1)	1975 ss.183(1), 384(1); 1980CJ s.53(1); 1987 Sch.1 §.10; 1990 s.61(1); 1995 s.38(3)(a).
(2)	1975 ss.183(1A), 384(1A); 1990 s.61; 1991 Sch.3 §.7(2).
(3), (4)	1975 ss.183(2), 384(2).
(5)	1975 ss.183(6), 384(6); 1987 s.65(4); 1995 s.38(3)(c).
(6)	1975 ss.183(7), 384(7); 1995 Sch.6 §.70.
229(1)	1975 ss.183(4), 384(4); 1978 s.7; 1987 s.65(3); 1990 s.61(1).
(2), (3)	1975 ss.183(5), 384(5).
(4), (5)	1975 ss.183(5A), 384(5A); 1978 s.7; 1982 Sch.13 §.3; 1995 s.38(1), (3)(b); drafting.
(6), (7)	1975 ss.183(5B), (5C), 384(5B), (5C); 1987 s.65.
230(1)	1975 ss.184(1), 385(1); 1984 Sch.3 §§.29, 36; 1995 s.39(1).
(2)	1975 ss.184(2), 385(2); 1984 Sch.3 §§.29, 36; 1995 s.39(1).
(3)	1975 ss.184(3), 385(3).
(4)	1975 ss.184(5), 385(5); 1983 s.36(2); 1995 s.39(1).
(5)	1975 ss.184(5A), 385(5A); 1983 s.36(2).
(6)	1975 ss.184(5B), 385(5B); 1983 s.36(2); 1995 s.39(1).
(7)	1975 ss.184(6), 385(6); 1983 s.36(3).
(8), (9)	1975 ss.184(7), (8), 385(7), (8).
231	1975 ss.185, 386.

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232(1)	1975 ss.186(1), 387(1); 1978 s.8; 1990 s.61(2); Local Government etc. (Scotland) Act 1994 (c.39) Sch.13 §.97(3); 1995 Sch.6 §.71.
(2)	1975 ss.186(2), 387(2); 1978 s.8; 1980CJ s.46(1); 1982 Sch.7 §§.3, 9; 1987 s.65(5); 1995 s.38(2); .
(3)	1975 ss.186(2A), 387(2A); 1993P Sch.5 §.1(7).
(4) to (6)	1975 ss.186(3) to (5), 387(3) to (5).
(7)	1975 s.317.
233(1), (2)	1975 ss.187(1), (2), 388(1), (2).
(3) to (5)	1975 ss.187(3) to (5), 388(3) to (5); 1995 s.40(1), (2).
234(1), (2)	1975 ss.188(1), 389(1); 1978 Sch.2 §§.2, 3; 1991 Sch.3 §.7(3).
(3) to (10)	1975 ss.188(2) to (8), 389(2) to (8); 1991 Sch.3 §.7(3).
(11)	Drafting.
235	1990 s.62; 1995 s.35(2) to (7).
236	1975 s.412A; 1995 s.35(11).
237	1975 s.412B; 1995 s.35(11).
238(1)	1978 s.1(1); 1990 s.61(3).
(2) to (7)	1978 s.1(2) to (7).
(8), (9)	1978 s.2(1), (2).
(10), (11)	1978 s.2(3), (4); 1995 Sch.6. §.161.
239(1) to (3)	1978 s.3(1) to (3).
(4)	1978 s.4(1); 1995 Sch.6 §.162.
(5)	1978 s.4(2); 1982 Sch.7 §.12.
(6)	1978 s.4(3); 1990 Sch.8 §.28.
240	1978 s.5.
241	1978 s.5A; 1995 s.40(3).
242	1978 s.6; 1982 Sch.13 §.4.
243(1)	1978 s.6A(1); 1982 Sch.13 §.5.
(2)	1978 s.6A(2); 1982 Sch.13 §.5; S.I. 1989/1345.
(3)	1978 s.6A(3); 1982 Sch.13 §.5.
244	1978 s.6B; 1982 Sch.13 §.5.

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245(1) to (3)	1978 s.10(1) to (3).
(4)	1978 s.11.
(5)	1978 s.12(1).
246(1)	1975 ss.181, 382; 1993CJ Sch.5 §.2(2).
(2)	1975 s.182.
(3)	1975 s.383.
247(1)	1975 ss.191(1) (part), 392(1) (part).
(2)	1975 ss.191(2), 392(2).
(3)	1975 ss.191(3) (part), 392(3) (part); 1993CJ Sch.5 §.2(3), (9).
(4)	1975 ss.191(4), 392(5); 1995 Sch.6 §§.73, 136.
(5)	1975 s.392(4); 1995 Sch.6 §.136.
(6)	1975 ss.191(1) (part), 392(1) (part).
248(1) to (4)	1975 ss.223A, 436A; Road Traffic Act 1991 (c.40) s.39.
249(1), (2)	1980CJ s.58(1).
(3), (4)	1980CJ s.58(2), (3).
(5), (6)	1980CJ s.59(1).
(7), (8)	1980CJ s.59(2), (3).
(9), (10)	1980CJ s.60(1), (2).
250(1)	1980CJ s.61.
(2)	1980CJ s.62.
(3), (4)	1980CJ s.63(1), (2).
251	1980CJ s.64.
252	1980CJ s.66.
253	1980CJ s.67; Armed Forces Act 1991 (c.62) Sch.2 §.9(2).
254	1975 ss.224, 437.
255	1975 ss.67, 312(x); drafting.
256(1)	1975 ss.150(1), 354(1); 1995 Sch.6 §§.55(a), 126; drafting.
(2)	1975 ss.150(2), 354(2) (part); 1995 Sch.6 §.55(b).
(3)	1975 ss.150(3), 354(2) (part); drafting.
257	1975 ss.84A, 333B; 1995 s.12.
258	1995 s.16.

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259	1995 s.17.
260	1995 s.18.
261	1995 s.19.
262	1995 s.20.
263(1) to (3)	1975 ss.148(1) to (3), 340(1) to (3); 1995 Sch.6 §.54.
(4)	1975 ss.147, 349.
(5)	1975 ss.148A, 349A; 1982 s.73(1), (2).
264(1) to (3)	1975 ss.143(1) to (3), 348(1) to (3); 1980CJ s.29.
(4)	Criminal Justice Administration Act 1914 (c.58) s.28(3).
265(1)	1975 ss.138(1), (2), 341(1), (2).
(2)	1975 ss.138(4), 341(4).
(3), (4)	1975 ss.139, 342.
266(1)	1975 ss.141(1) (part), 346(1) (part); Criminal Evidence Act 1979 (1979 c.16) s.1(1); 1980CJ s.28, Sch.7 §.56; 1995 s.24.
(2)	1975 ss.141(1)(a), 346(1)(a).
(3)	1975 ss.141(1)(e), 346(1)(e).
(4)	1975 ss.141(1)(f), 346(1)(f); Criminal Evidence Act 1979 (c.16) s.1(1); 1995 s.24(1)(a), (4)(a).
(5)	1975 ss.141(1A), 346(1A); 1995 s.24(1) (b), (4)(b).
(6)	1975 s.141(1B); 1995 s.24(1)(b).
(7)	1975 ss.141(1C), 346(1B); 1995 s.24(1) (c), (4)(b).
(8)	1975 ss.141(1)(g), 346(1)(g).
(9)	1975 ss.141(2), 346(2); 1980CJ s.28.
(10)	1975 ss.141(3), 346(3); 1980CJ s.28.
(11)	1975 ss.142, 347; 1995 Sch.6 §§.50, 124.
267(1)	1975 ss.139A, 342A; 1987 s.63.
(2)	1975 ss.140, 343.
268(1), (2)	1975 ss.149(1), 350(1); 1980CJ s.30; 1985 s.37; 1987 Sch.1 §.9; 1993P Sch.5 §.1(31).

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(3), (4)	1975 ss.149(2), (3), 350(2), (3); 1980CJ s.30.
(5)	Drafting.
269(1)	1975 ss.149A(1), 350A(1); 1980CJ s.30; 1985 s.37.
(2), (3)	1975 ss.149A(2), (3), 350A(2), (3); 1980CJ s.30.
(4)	Drafting.
270(1), (2)	1975 ss.141ZA(1), (2), 346ZA(1), (2); 1995 s.24(2), (5).
(3)	1975 s.141ZA(3); 1995 s.24(2).
(4)	1975 ss.141ZA(4), 346ZA(3); 1995 s.24(2), (5).
271(1) to (3)	1993P s.33(1) to (3).
(4)	1993P s.33(4); 1995 Sch.6 §.179(6).
(5)	1990 s.56(1); 1995 Sch.6 §.175(a).
(6)	1993P s.34; 1995 Sch.6 §.179(7).
(7)	1990 s.56(2); 1995 Sch.6 §.175(b).
(8)	1990 s.56(3).
(9)	1990 s.57(1).
(10)	1990 s.57(2).
(11)	1990 s.58; 1995 Sch.6 §.176.
(12)	1990 s.59.
272(1)	1980CJ s.32(1); 1987 s.61.
(2), (3)	1980CJ s.32(2).
(4)	1980CJ s.32(3).
(5)	1980CJ s.32(3A); 1993P s.30.
(6)	1980CJ s.32(4); 1987 s.61.
(7)	1980CJ s.32(5).
(8)	1980CJ s.32(5A); 1993P s.30.
(9)	1980CJ s.32(6).
273	1980CJ s.32A; 1993P s.32.
274(1)	1975 ss.141A(1), 346A(1); 1985 s.36.
(2)	1975 ss.141A(2), 346A(2); 1985 s.36; 1995 s.28.
(3), (4)	1975 ss.141A(3), (4), 346A(3), (4); 1985 s.36.

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275	1975 ss.141B, 346B; 1985 s.36.
276	1995 s.21.
277(1)	1987 s.60(1); 1993P s.31.
(2)	1987 s.60(2).
(3)	1987 s.60(3); 1995 Sch.6 §.170.
(4)	1987 s.60(4).
278(1)	1975 ss.151(1), 352(1); 1980CJ s.6.
(2), (3)	1975 ss.151(2), 352(2); 1995 Sch.6 §§.56, 125.
(4)	1975 s.352(4).
(5)	1975 ss.151(3), 352(3).
279	1993P s.29.
280(1)	1980CJ s.26(1).
(2), (3)	1980 s.26(1A), (1B); 1995 s.22(2).
(4)	1980CJ s.26(2); 1995 s.22(3).
(5)	1980CJ s.26(2A); 1995 s.22(4).
(6)	1980CJ s.26(3); 1995 s.22(5).
(7)	1980CJ s.26(4); 1995 s. 22(6), Sch.6 §.163.
(8)	1980CJ s.26(4A); 1995 s.22(7).
(9)	1980CJ s.26(5); 1995 s.22(8).
(10) to (12)	1980 s.26(7B) to (7D); 1995 s.22(9).
281(1), (2)	1980CJ s.26(6), (7).
(3)	1980CJ s.26(7A); 1995 s.22(9).
282	1995 s.25.
283	1995 s.26.
284	1995 s.27.
285(1) to (5)	1975 ss.164(1) to (5), 358(1) to (5).
(6)	1975 ss.162(1), 357(2) (part).
(7)	1975 s.162(2).
(8)	1975 ss.162(3), 357(2) (part); 1995 Sch.6 §§.62, 127(b).
(9)	1975 ss.164(6), 357(2) (part), 358(6).
286	1975 ss.162(4), (5), 357(6), (7); 1995 s.29.
287	1975 s.42; 1995 Sch.6 §.18.

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288(1)	1975 s.10.
(2)	1975 s.11.
289	1980CJ s.39.
290	1980CJ s.10(1), (2).
291(1)	1980CJ s.9(1).
(2)	1980CJ s.9(2); 1982 Sch.6 §.64.
(3)	1980CJ s.9(3); 1982 Sch.7
292(1)	1975 ss.283A(1), (2); 1977 Sch.11 §.2; 1980CJ Sch.7 §.49.
(2) to (7)	1975 s.457A(1) to (4); 1982 s.55(1).
293	1975 ss.216, 428; 1987 s.64(1).
294(1)	1975 s.63(1) (part).
(2)	1975 s.312(o) (part).
295	1975 ss.215, 426; 1980CJ Sch.7 §§.39, 69; 1987 Sch.1 §.12;
296	1975 ss.15A, 309(2) (part); 1995 Sch.6 §.9.
297(1)	1975 ss.15, 327; 1995 s.9.
(2)	1975 s.326(1) (part)
(3), (4)	1975 ss.16(1), (2), 324(1), (2).
(5)	1975 s.326(1) (part).
298	1995 s.44
299	1975 ss.227A, 439; 1980CJ s.20.
300	1975 s.439A; 1995 s.41.
301(1)	1975 s.282A; 1990 Sch.8 §.27.
(2)	1975 s.282B; 1990 Sch.8 §.27.
302(1)	1987 s.56(1).
(2)	1987 s.56(3); 1995 s.61(3).
(3)	1987 s.56(3A); 1995 s.61(4).
(4) to (6)	1987 s.56(4) to (6); 1995 s.61(5).
(7), (8)	1987 s.56(7), (7A); 1995 s.61(6).
(9)	1987 s.56(2), (2A); Road Traffic (Consequential Provisions) Act 1988 (1988 c.54) Sch.3 §.34; 1995 s.61(2).
303(1) to (4)	1987 s.56(8) to (11); 1995 s.61(8).
304	1995 s.56(1) to (10).

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305(1)	1975 ss.409(3), 457ZA(1) (part); Summary Jurisdiction (Scotland) Act 1954 (c.48) s.76(1)(d); 1995 Sch.6 §.156.
(2)	1975 s.457ZA(2); 1995 Sch.6 §.156.
(3)	1975 s.457ZA(1) (part); 1995 Sch.6 §.156.
(4)	1975 s.278.
(5)	Summary Jurisdiction (Scotland) Act 1954 (1954 c.48) s.76(3).
306	1995 s.57.
307(1)	1975 s.462(1); 1977 Sch.11 §.10; National Health Service (Scotland) Act 1978 (1978 c.29) Sch.16 §.41; 1980B Sch.1 §.14; 1980CJ s.25, Sch.7 §.76; 1982 Sch.15 §.19; 1983 Sch.2 §.37; 1984 Sch.3 §.37; National Health Service and Community Care Act 1990 (c.19) Sch.9 §.14; 1995 s.39(2), Sch.6 §.157; 1995C Sch.4 §.24(18).
(2)	1975 s.462(2).
(3) to (8)	1975 s.462(4) to (9).
308	1975 ss.458, 459; 1980CJ Sch.7 §§.73, 74.
309	Drafting.
Sch. 1	1975 Sch.1; Sexual Offences (Scotland) Act 1976 (1976 c.67) Schs.1, 2; 1988 Sch.15 §§.50, 51.
Sch. 2	Criminal Procedure (Scotland) Act 1887 (c.35) Sch.A
Sch. 3	
§.1	1975 ss.43 (part), 312(a).
§.2	1975 ss.44, 312(b).
§.3	1975 ss.48, 312(e).
§.4(1)	1975 ss.50(1), 312(f) (part).
(2)	1975 ss.50(2), 312(f) (part).
(3)	1975 ss.50(3) (part), 312(f) (part).
(4)	1975 ss.50(3) (part), 312(f) (part).
(5)	1975 ss.50(4), 312(f) (part); 1995 Sch.6 §§.20, 110(a).
(6)	1975 ss.51 (part), 312(g) (part).

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(7)	1975 ss.51 (part), 312(g) (part).
(8)	Drafting.
§.5	1975 ss.54, 312(j); 1995 Sch.6 §§.21, 110(b).
§.6	1975 ss.55, 312(k).
§.7	1975 s.63(2).
§.8(1)	1975 ss.59 (part), 312(l) (part).
(2)	1975 ss.60(1), 312(m) (part).
(3)	1975 ss.60(2), 312(m) (part).
(4)	1975 ss.60(3), 312(m) (part).
(5)	1975 ss.60(4), 312(m) (part).
§.9(1)	1975 ss.61(1), 312(n) (part).
(2)	1975 ss.61(2), 312(n) (part).
(3)	1975 ss.61(3), 312(n) (part).
§.10(1)	1975 ss.63(1) (part), 312(o) (part).
(2)	1975 ss.63(1) (part), 312(o) (part).
(3)	1975 ss.63(2), 312(o) (part).
§.11	1975 ss.48B, 312(p); 1995 Sch.6 §.19.
§.12	1975 s.312(q), (r).
§.13	1975 ss.49, 312(s).
§.14	1975 ss.64, 312(t).
§.15	1975 ss.65, 312(u).
§.16	1975 ss.66, 312(v).
§.17	1975 ss.48A, 312(w); 1995 Sch.6 §.19.
§.18	1975 ss.60A, 312(y); 1995 Sch.6 §.23.
§.19	1975 s.312(z); 1977 Sch.11 §.6; 1980CJ s.46(b); 1982 Sch.7 §.7.
Sch. 4	1975 Sch.5A; 1995 Sch.2.
Sch. 5	Summary Jurisdiction (Scotland) Act 1954 (c.48) Sch.2 Part II
Sch. 6	
§.1	1975 Sch.5. §.1.
§.2	1975 Sch.5 §.2.
§.3	1975 Sch.5 §.3
§.4	1975 Sch.5 §.4; 1983 s.36(4); 1995 Sch.6 §.158.

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§.5	1975 Sch.5 §.5.
§.6	1975 Sch.5 §.6.
Sch. 7	
§.1	1990 Sch.6 §.1; 1995 s.35(8)(a).
§.2	1990 Sch.6 §.2; 1995 Sch.6 §.177(a).
§.3	1990 Sch.6 §.3.
§.4	1990 Sch.6 §.4; 1995 s.35(8)(b), Sch.6 §.177(b).
§.5	1990 Sch.6 §.5; 1995 s.35(8)(c).
§.6	1990 Sch.6 §.6.
§.7	1990 Sch.6 §.7.
§.8	1990 Sch.6 §.9.
Sch. 8	1993P Sch.3; 1995 Sch.6 §.179(8)
Sch. 9	1980CJ Sch.1; Forgery and Counterfeiting Act 1981 (1981 c.45) s.26; Road Traffic Regulation Act 1984 (1984 c.27) Sch.13 §.37; Video Recording Act 1984 (1984 c.39) s.20; 1987 Sch.1 §.18(2); 1993P Sch.4; 1995 Sch.1.
Sch. 10	1975 Sch.7A; 1977 Sch.11 §.11.

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