



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *Pre-sentencing procedure*

#### **[<sup>F1</sup>203A Reports about organisations**

- (1) This section applies where an organisation is convicted of an offence.
- (2) Before dealing with the organisation in respect of the offence, the court may obtain a report into the organisation's financial affairs and structural arrangements.
- (3) The report is to be prepared by a person appointed by the court.
- (4) The person appointed to prepare the report is referred to in this section as the “reporter”.
- (5) The court may issue directions to the reporter about—
  - (a) the information to be contained in the report,
  - (b) the particular matters to be covered by the report,
  - (c) the time by which the report is to be submitted to the court.
- (6) The court may order the organisation to give the reporter and any person acting on the reporter's behalf—
  - (a) access at all reasonable times to the organisation's books, documents and other records,
  - (b) such information or explanation as the reporter thinks necessary.
- (7) The reporter's costs in preparing the report are to be paid by the clerk of court, but the court may order the organisation to reimburse to the clerk all or a part of those costs.
- (8) An order under subsection (7) may be enforced by civil diligence as if it were a fine.

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*Status: Point in time view as at 06/11/2019.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 203A 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)*

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- (9) On submission of the report to the court, the clerk of court must provide a copy of the report to—
- (a) the organisation,
  - (b) the organisation's solicitor (if any), and
  - (c) the prosecutor.
- (10) The court must have regard to the report in deciding how to deal with the organisation in respect of the offence.
- (11) If the court decides to impose a fine, the court must, in determining the amount of the fine, have regard to—
- (a) the report, and
  - (b) if the court makes an order under subsection (7), the amount of costs that the organisation is required to reimburse under the order.
- (12) Where the court—
- (a) makes an order under subsection (7), and
  - (b) imposes a fine on the organisation,
- any payment by the organisation is first to be applied in satisfaction of the order under subsection (7).
- (13) Where the court also makes a compensation order in respect of the offence, any payment by the organisation is first to be applied in satisfaction of the compensation order before being applied in accordance with subsection (12).]

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#### **Textual Amendments**

- F1** S. 203A inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 22**, 206(1); S.S.I. 2011/178, art. 2, sch.

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