



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XIII

MISCELLANEOUS

[^{F1}Electronic proceedings

[^{F1}303B Electronic summary proceedings

- (1) For the purposes of section 138(1) of this Act—
 - (a) institution of proceedings may be effected by electronic complaint;
 - (b) the requirement for signing is satisfied in relation to an electronic complaint by an electronic signature;
 - (c) the requirement for signing may be satisfied in relation to any other complaint by an electronic signature.
- (2) The references in the other provisions of this Act to a complaint include an electronic complaint unless the context otherwise requires.
- (3) Where proceedings are instituted by electronic complaint, in the event of any conflict between—
 - (a) the principal electronic complaint kept by the clerk of court for the purposes of the proceedings; and
 - (b) any other document (whether in electronic or other form) purporting to be the complaint,the principal electronic complaint prevails.
- (4) The requirement in section 85(4) of this Act for signing may be satisfied by electronic signature.
- (5) The requirement in section 136B(2) of this Act for signing may be satisfied by electronic signature.

Status: Point in time view as at 30/01/2012.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 303B is up to date with all changes known to be in force on or before 21 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)

- (6) The requirement in section 141(3)(a) of this Act for signing may be satisfied by electronic signature.
- (7) The requirement in section 159(3) of this Act for authentication by initials is satisfied in relation to an electronic complaint by authentication by electronic signature.
- (8) The requirements in section 172(2) of this Act for signing by the clerk of court may be satisfied by electronic signature.
- (9) The requirements in section 258(2) and (9) of this Act for signing may be satisfied in relation to summary proceedings by electronic signature.
- (10) The requirement in section 299(5) of this Act for authentication by signature is satisfied in relation to—
 - (a) proceedings which are recorded in electronic form;
 - (b) any extract of sentence, or order made, which is recorded in electronic form, by authentication by electronic signature.]

Textual Amendments

- F1** S. 303B and cross-heading inserted (10.12.2007 for certain purposes and otherwise prosp.) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 41(1), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)

Status:

Point in time view as at 30/01/2012.

Changes to legislation:

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