



# Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

## CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) ACT 2004

### PART 1

#### PROCEEDINGS IN THE HIGH COURT

##### *Preliminary hearings*

- 1 Preliminary hearings
- 2 Written record of state of preparation in certain cases
- 3 Appeals
- 4 Prohibition on accused conducting case in person in certain cases

##### *Continuation of trial diet*

- 5 Continuation of trial diet

### PART 2

#### SOLEMN PROCEEDINGS GENERALLY

- 6 Time limits
- 7 Citation
- 8 Engagement, dismissal and withdrawal of solicitor representing accused
- 9 Procedure where trial diet does not proceed
- 10 Trial in absence of accused
- 11 Obstructive witnesses
- 12 Service etc. on accused through a solicitor
- 13 Preliminary pleas and preliminary issues
- 14 Objections to admissibility of evidence raised without due notice
- 15 Alteration of diets
- 16 Uncontroversial evidence

### PART 3

#### BAIL

- 17 Bail conditions: remote monitoring of restrictions on movements
- 18 Bail review: rights of prosecutor to be heard etc.

### PART 4

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

- 19 First diet in sheriff court solemn proceedings: witnesses and bail
- 20 Sentence following guilty plea
- 21 Increase in extended sentence which may be passed by sheriff court in certain cases
- 22 Citation of witnesses for precognition
- 23 Admissibility of prior statements of witnesses
- 24 Protection of Children (Scotland) Act 2003: references following conviction

##### *General*

- 25 Further modifications of the 1995 Act
- 26 Ancillary provision
- 27 Commencement and short title

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#### SCHEDULE — Further modifications of the 1995 Act

- 1 The 1995 Act is amended as follows.
- 2 In section 2 (fixing of High Court sittings)—
- 3 In section 17A(1) (right of person accused of sexual offence...
- 4 In section 23A (bail and liberation where person already in...
- 5 In section 24 (bail and bail conditions)—
- 6 In section 25 (bail conditions: supplementary), after subsection (3) insert—...
- 7 After section 25 insert— Failure to accept conditions of bail...
- 8 In section 27 (breach of bail conditions: offences)—
- 9 In section 28 (breach of bail conditions: arrest of offender...
- 10 In section 31 (bail review on prosecutor's application), after subsection...
- 11 In section 32 (bail appeal)— (a) after subsection (2) insert—...
- 12 In section 35(4A) (right of person accused of sexual offence...
- 13 In section 54 (insanity in bar of trial), in subsection...
- 14 In section 56 (examination of facts: supplementary provisions)—
- 15 In section 66 (service and lodging of indictment etc.)—
- 16 In section 67 (witnesses)— (a) in subsection (3)—
- 17 Section 67A is repealed.
- 18 In section 68 (productions)— (a) in subsection (3)—
- 19 In section 69 (intimation of objection to any conviction specified...
- 20 In section 71 (first diet)— (a) in subsection (2), for...
- 21 Section 71A is repealed.
- 22 In section 74 (appeals in connection with preliminary diets), in...

- 23 In section 75 (computation of certain periods), “72” is repealed.
- 24 In section 76 (procedure where accused desires to plead guilty),...
- 25 In section 78 (special defences, incrimination and notice of witnesses...
- 26 Section 80 (alteration and postponement of trial diet) is repealed.
- 27 In section 82 (desertion or postponement where accused in custody)—...
- 28 In section 83 (transfer of sheriff court solemn proceedings)—
- 29 In section 84 (juries: returns of jurors and preparations of...
- 30 In section 85 (juries: citation and attendance of jurors)—
- 31 In section 87 (non-availability of judge)— (a) in subsection (1)(a)—...
- 32 In section 119 (provision where High Court authorises new  
prosecution),...
- 33 In section 140 (citation in summary proceedings), in subsection (1),...
- 34 In section 156 (apprehension of witnesses), in each of subsections...
- 35 In section 245A (restriction of liberty orders), in subsection (6)—...
- 36 In section 245C (remote monitoring), in subsection (2)—
- 37 In section 245E (variation of restriction of liberty order)—
- 38 In section 255 (special capacity), in paragraph (a), for the...
- 39 In section 255A (proof of age), in paragraph (a), for...
- 40 In section 257 (duty to seek agreement of evidence), after...
- 41 In section 258 (uncontroversial evidence)— (a) in subsection (2), for...
- 42 In section 259 (exceptions to the rule that hearsay evidence...
- 43 In section 271A (special measures for child witnesses)—
- 44 In section 271C (special measures for vulnerable witnesses other than...
- 45 In section 275B (provisions supplementary to sections 275 and 275A),...
- 46 In section 277(2) (transcript of police interview sufficient evidence)—
- 47 In section 278 (record of proceedings at examination as evidence),...
- 48 In section 280(6)(a) (routine evidence), after “before” insert—
- 49 In section 281 (routine evidence: autopsy and forensic science reports)  
—...
- 50 In section 281A (routine evidence: reports of identification prior to...
- 51 In section 282 (evidence as to controlled drugs and medicinal...
- 52 In section 283 (evidence as to time and place of...
- 53 In section 284 (evidence in relation to fingerprints)—
- 54 In section 286 (previous convictions: proof in support of substantive...
- 55 In section 288C (prohibition of personal conduct of defence in...
- 56 In section 288D (appointment of solicitor by court in cases...
- 57 In section 307(1) (interpretation), insert at the appropriate place the...
- 58 In Schedule 9, in column 1, in the entry relating...

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004.