



# Criminal Procedure (Scotland) Act 1995

## CHAPTER 46

### CRIMINAL PROCEDURE (SCOTLAND) ACT 1995

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227G Offender supervision requirement

*Compensation requirement*

227H Compensation requirement

*Unpaid work or other activity requirement*

227I Unpaid work or other activity requirement

227J Unpaid work or other activity requirement: further provision

227K Allocation of hours between unpaid work and other activity

227L Time limit for completion of unpaid work or other activity

227M Fine defaulters

227N Offenders subject to more than one unpaid work or other activity requirement

227O Rules about unpaid work and other activity

*Programme requirement*

227P Programme requirement

*Residence requirement*

227Q Residence requirement

*Mental health treatment requirement*

227R Mental health treatment requirement

227S Mental health treatment requirements: medical evidence

227T Power to change treatment

*Drug treatment requirement*

227U Drug treatment requirement

*Alcohol treatment requirement*

227V Alcohol treatment requirement



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### *Conduct requirement*

227W Conduct requirement

#### *Community payback orders: review, variation etc.*

- 227X Periodic review of community payback orders
- 227Y Applications to vary, revoke and discharge community payback orders
- 227Z Variation, revocation and discharge: court's powers
- 227ZA Variation of community payback orders: further provision
- 227ZB Change of offender's residence to new local authority area

#### *Breach of community payback order*

- 227ZC Breach of community payback order
- 227ZD Breach of community payback order: further provision

#### *Restricted movement requirement*

- 227ZE Restricted movement requirement : rules
- 227ZF Restricted movement requirement: effect
- 227ZG Restricted movement requirements: further provision
- 227ZH Variation of restricted movement requirement
- 227ZI Remote monitoring
- 227ZJ Restricted movement requirements: Scottish Ministers' functions
- 227ZK Documentary evidence in proceedings for breach of restricted movement requirement

#### *Local authorities: annual consultation about unpaid work*

- 227ZL Local authorities: annual consultations about unpaid work

#### *Annual reports on community payback orders*

- 227ZM Annual reports on community payback orders

#### *Community payback order: meaning of “the appropriate court”*

- 227ZN Meaning of “the appropriate court”
- 227ZO Community payback orders: persons residing in England and Wales or Northern Ireland

### *Probation*

- 228 Probation orders.
- 229 Probation orders: additional requirements.
- 229A Probation progress review
- 230 Probation orders: requirement of treatment for mental condition.
- 230A Requirement for remote monitoring in probation order
- 231 Probation orders: amendment and discharge.
- 232 Probation orders: failure to comply with requirement.
- 233 Probation orders: commission of further offence.
- 234 Probation orders: persons residing in England and Wales.

### *Non-harassment orders*

- 234A Non-harassment orders.

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## 234AZA Non-harassment orders: domestic abuse cases

### *Antisocial behaviour orders*

- 234AA Antisocial behaviour orders
- 234AB Antisocial behaviour orders: notification
  - 234B Drug treatment and testing order.
  - 234C Requirements and provisions of drug treatment and testing orders.
- 234CA Requirement for ... monitoring in drug treatment and testing order
- 234D Procedural matters relating to drug treatment and testing orders.
- 234E Amendment of drug treatment and testing order.
- 234F Periodic review of drug treatment and testing order.
- 234G Breach of drug treatment testing order.
- 234H Disposal on revocation of drugs treatment and testing order.
- 234J Concurrent drug treatment and testing and probation orders.
- 234K Drug treatment and testing orders: interpretation.

### *Supervised attendance*

- 235 Supervised attendance orders.
- 236 Supervised attendance orders in place of fines for 16 and 17 year olds.
- 237 Supervised attendance orders where court allows further time to pay fine.

### *Community service by offenders*

- 238 Community service orders.
- 239 Community service orders: requirements.
- 240 Community service orders: amendment and revocation etc.
- 241 Community service order: commission of offence while order in force.
- 242 Community service orders: persons residing in England and Wales.
- 243 Community service orders: persons residing in Northern Ireland.
- 244 Community service orders: general provisions relating to persons living in England and Wales or Northern Ireland.
- 245 Community service orders: rules, annual report and interpretation.

### *Restriction of liberty orders*

- 245A Restriction of liberty orders.
- 245B Monitoring of restriction of liberty orders.
- 245C Remote monitoring.
- 245D Combination of restriction of liberty order with other orders.
- 245DA Further provision about multiple orders
- 245E Variation of restriction of liberty order.
- 245F Breach of restriction of liberty order.
- 245G Disposal on revocation of restriction of liberty order.
- 245H Documentary evidence in proceedings under section 245F.
- 245I Procedure on variation or revocation of restriction of liberty order.
- 245J Breach of certain orders: adjourning hearing and remanding in custody etc.

### *Community reparation orders*

- 245K Community reparation orders
- 245L Community reparation order: notification

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- 245M Failure to comply with community reparation order: extension of 12 month period
- 245N Failure to comply with community reparation order: powers of court
- 245P Extension, variation and revocation of order
- 245Q Sections 245L, 245N and 245P: meaning of “appropriate court”

#### *Admonition and absolute discharge*

- 246 Admonition and absolute discharge.
- 247 Effect of probation and absolute discharge.

#### *Disqualification*

- 248 Disqualification where vehicle used to commit offence.
- 248A General power to disqualify offenders.
- 248B Power to disqualify fine defaulters.
- 248C Application of sections 248A and 248B.
- 248D Extension of disqualification where sentence of imprisonment also imposed
- 248E Effect of sentence of imprisonment in other cases

#### *Compensation*

- 249 Compensation order against convicted person.
- 250 Compensation orders: supplementary provisions.
- 251 Review of compensation order.
- 252 Enforcement of compensation orders: application of provisions relating to fines.
- 253 Effect of compensation order on subsequent award of damages in civil proceedings.

#### *Restitution order*

- 253A Restitution order where conviction of police assault etc.
- 253B The Restitution Fund
- 253C Restitution order, fine and compensation order: order of preference
- 253D Application of receipts
- 253E Enforcement: application of certain provisions relating to fines

#### *Victim surcharge*

- 253F Victim surcharge
- 253G The Victim Surcharge Fund
- 253H Application of receipts
- 253J Enforcement: application of certain provisions relating to fines

#### *Forfeiture*

- 254 Search warrant for forfeited articles.

#### *European Protection Orders*

- 254A European Protection Orders: interpretation
- 254B Issuing of a European Protection Order
- 254C Recognition of a European Protection Order
- 254D Implementation of a recognised European Protection Order

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- 254E Modification and revocation of non-harassment orders made under section 254D

## PART XII

### EVIDENCE

#### *Special capacity*

- 255 Special capacity.

#### *Proof of age*

- 255A Proof of age.

#### *Agreed evidence*

- 256 Agreements and admissions as to evidence.  
 257 Duty to seek agreement of evidence.  
 258 Uncontroversial evidence.

#### *Hearsay*

- 259 Exceptions to the rule that hearsay evidence is inadmissible.  
 260 Admissibility of prior statements of witnesses.  
 261 Statements by co-accused  
 261ZA Statements by accused

#### *Statements made after charge*

- 261ZB Exception to rule on inadmissibility

#### *Witness statements*

- 261A Witness statements: use during trial  
 262 Construction of sections 259 to 261A.

#### *Witnesses*

- 263 Examination of witnesses.  
 264 Spouse or civil partner of accused a compellable witness  
 265 Witnesses not excluded for conviction, interest, relationship, etc.  
 266 Accused as witness.  
 267 Witnesses in court during trial.  
 267A Citation of witnesses for precognition

#### *Identification procedures*

- 267B Order requiring accused to participate in identification procedure

#### *Additional evidence, etc.*

- 268 Additional evidence.  
 269 Evidence in replication.  
 270 Evidence of criminal record and character of accused.

#### *Special measures for child witnesses and other vulnerable witnesses*

- 271 Vulnerable witnesses: main definitions

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- 271A Child and deemed vulnerable witnesses
- 271B Further special provision for child witnesses under the age of 12
- 271BZA Child witnesses in certain solemn cases: special measures
- 271BZB Child witnesses in certain solemn cases: modifications of section 271A
- 271BZC Child witnesses in certain solemn cases: modifications of section 271D
- 271BA Assessment of witnesses
- 271C Vulnerable witness application
- 271D Review of arrangements for vulnerable witnesses
- 271E Vulnerable witnesses: supplementary provision
- 271F The accused
- 271G Saving provision
- 271H The special measures
- 271HA Temporary additional special measures
- 271HB Excluding the public while taking evidence
  - 271I Taking of evidence by a commissioner
  - 271J Live television link
  - 271K Screens
  - 271L Supporters
- 271M Giving evidence in chief in the form of a prior statement

*Witness anonymity orders*

- 271N Witness anonymity orders
- 271P Applications
- 271Q Making and determination of applications
- 271R Conditions for making orders
- 271S Relevant considerations
- 271T Direction to jury
- 271U Discharge and variation of order
- 271V Appeals
- 271W Appeal against the making of a witness anonymity order
- 271X Appeal against the refusal to make a witness anonymity order
- 271Y Appeal against a variation of a witness anonymity order
- 271Z Appeal against a refusal to vary or discharge a witness anonymity order

*Evidence on commission and from abroad*

- 272 Evidence by letter of request or on commission.
- 273 Television link evidence from abroad.

*Evidence from other parts of the United Kingdom*

- 273A Television link evidence from other parts of the United Kingdom

*Evidence relating to sexual offences*

- 274 Restrictions on evidence relating to sexual offences.
- 275 Exceptions to restrictions under section 274.
- 275A Disclosure of accused's previous convictions where court allows questioning or evidence under section 275
- 275B Provisions supplementary to sections 275 and 275A

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*Expert evidence as to subsequent behaviour of complainer*

- 275C Expert evidence as to subsequent behaviour of complainer in certain cases

*Biological material*

- 276 Evidence of biological material.

*Transcripts and records*

- 277 Transcript of police interview sufficient evidence.  
278 Record of proceedings at examination as evidence.

*Documentary evidence*

- 279 Evidence from documents.

*Evidence from certain official documents*

- 279A Evidence from certain official documents.

*Routine evidence*

- 280 Routine evidence.  
281 Routine evidence: autopsy and forensic science reports.  
281A Routine evidence: reports of identification prior to trial

*Sufficient evidence*

- 282 Evidence as to controlled drugs and medicinal products.  
283 Evidence as to time and place of video surveillance recordings.  
284 Evidence in relation to fingerprints.

*Proof of previous convictions*

- 285 Previous convictions: proof, general.  
286 Previous convictions: proof in support of substantive charge.  
286A Proof of previous conviction by court in other member State

**PART XIII**

MISCELLANEOUS

*Lord Advocate*

- 287 Demission from office of Lord Advocate and Solicitor General for Scotland.  
288 Intimation of proceedings in High Court to Lord Advocate.

*Convention rights and EU law compatibility issues, and devolution issues*

- 288ZA Right of Advocate General to take part in proceedings  
288ZB References of compatibility issues to the High Court or Supreme Court  
288A Rights of appeal for Advocate General: compatibility issues and devolution issues.  
288AA Appeals to the Supreme Court: compatibility issues  
288B Appeals to the Supreme Court: general.

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*Dockets and charges in sex cases*

- 288BA Dockets for charges of sexual offences
- 288BB Mixed charges for sexual offences
- 288BC Aggravation by intent to rape

*Trials for sexual offences*

- 288C Prohibition of personal conduct of defence in cases of certain sexual offences
- 288D Appointment of solicitor by court in such cases

*Jury directions relating to sexual offences*

- 288DA Jury direction relating to lack of communication about offence
- 288DB Jury direction relating to absence of physical resistance or physical force

*Trials involving vulnerable witnesses*

- 288DC Prohibition of personal conduct of defence in domestic abuse cases
- 288E Prohibition of personal conduct of defence in certain cases involving child witnesses under the age of 12
- 288F Power to prohibit personal conduct of defence in other cases involving vulnerable witnesses

*Application of vulnerable witnesses provisions to proceedings in the district court*

- 288G Application of vulnerable witnesses provisions to proceedings in the district court

*Use of live television link*

- 288H Participation through live television link
- 288I Evidence and personal appearance
- 288J Effect of postponement
- 288K Specified hearings
- 288L Defined terms

*Treason trials*

- 289 Procedure and evidence in trials for treason.

*Certain rights of accused*

- 290 Accused's right to request identification parade.
- 291 Precognition on oath of defence witnesses.

*Mode of trial*

- 292 Mode of trial of certain offences.

*Art and part and attempt*

- 293 Statutory offences: art and part and aiding and abetting.
- 294 Attempt at crime.

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### *Legal custody*

295 Legal custody.

### *Warrants*

296 Warrants for search and apprehension to be signed by judge.

297 Execution of warrants and service of complaints, etc.

297A Re-execution of apprehension warrants

### *Trial judge's report*

298 Trial judge's report.

### *Intimation of certain applications to the High Court*

298A Intimation of bills and of petitions to the nobile officium

### *Correction of entries*

299 Correction of entries.

300 Amendment of records of conviction and sentence in summary proceedings.

### *Excusal of irregularities*

300A Power of court to excuse procedural irregularities

### *Rights of audience*

301 Rights of audience.

### *Recovery of documents*

301A Recovery of documents

### *Fixed penalties*

302 Fixed penalty: conditional offer by procurator fiscal.

302A Compensation offer by procurator fiscal

302B Combined fixed penalty and compensation offer

302C Recall of fixed penalty or compensation offer

303 Fixed penalty: enforcement.

303ZA Work orders

303ZB Setting aside of offers and orders

### *Transfer of rights of appeal of deceased person*

303A Transfer of rights of appeal of deceased person.

### *Electronic proceedings*

303B Electronic summary proceedings

## **PART XIV**

### **GENERAL**

304 Criminal Courts Rules Council.



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- 305 Acts of Adjournal.
- 306 Information for financial and other purposes.
- 307 Interpretation.
- 308 Construction of enactments referring to detention etc.
- 308A Expressions relating to electronic proceedings
- 309 Short title, commencement and extent.

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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 Criminal Law (Consolidation)...
- 1A Any offence under section 18 (rape of a young child)...
- 1B Any offence under section 19 (sexual assault on a young...
- 1C Any offence under section 20 (sexual assault on a young...
- 1D Any offence under section 42 of that Act (sexual abuse...
- 2 Any offence under section 12, 15, 22 or 33 of...
- 2A Any offence under the Prohibition of Female Genital Mutilation (Scotland)...
- 2B Any offence under section 52 or 52A of the Civic...
- 2C Any offence under section 1, 9, 10, 11 or 12...
- 3 Any other offence involving bodily injury to a child under...
- 4 Any offence involving the use of lewd, indecent or libidinous...
- 4A Any offence under section 5 (coercing a person into being...
- 4B Any offence under any of sections 21 to 26 or...

### SCHEDULE 2 — Examples of Indictments

- “A.B.(name and address, that given in the declaration being sufficient),...
- “..... You did rob Charles Doyle, a cattle dealer, of...
  - “..... You did break into the house occupied by Andrew...
  - “..... You did force open (or attempt to force open)...
  - “..... You did place your hand in one of the...
  - “..... You did assault Lewis Mann, station-master of Earlston, and...
  - “..... You did, while in the employment of James Pentland,...
  - “..... You did, while acting as commercial traveller to Brown...
  - “..... You did pretend to Norah Omond, residing there, that...
  - “..... You did reset a watch and chain, pocket book...
  - “..... You did utter as genuine a bill, on which...
  - “..... You did utter as genuine a letter bearing to...
  - “..... You did utter a cheque signed by Henry Smith...
  - “..... You did, when examined under section 45 of the...
  - “..... You did, sequestration having been awarded on your estate...
  - “..... You did set fire to a warehouse occupied by...
  - “..... You did set fire to the shop in Brown...
  - “..... You did assault Theresa Unwin, your wife, and did...
  - “..... You did stab Thomas Underwood, baker, of Shiels Place,...
  - “..... You did administer poison to Vincent Wontner, your son,...

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- “..... You did strangle Mary Shaw, mill-worker, daughter of John...
- “..... You were delivered of a child now dead or...
- “..... You did assault Hector Morrison, carter, of 20 Buccleuch...
- “..... You did ravish Harriet Cowan, mill-worker, of 27 Tweed...
- “..... You did attempt to ravish Jane Peters, servant, at...
- “..... You did, when acting as railway signalman, cancel a...
- “..... You formed part of a riotous mob, which, acting...
- “..... You did, being the lawful husband of Helen Hargreaves,...
- “..... You being sworn as a witness in a civil...
- “..... You did suborn James Carruthers, scavenger, 12 Hercules Street,...
- “..... You did deforce John Macdonald, a sheriff officer of...

### SCHEDULE 3 — Indictments and Complaints

- 1 An accused may be named and designed—
- 2 It shall not be necessary to specify by any nomen...
- 3 It shall not be necessary to allege that any act...
- 4 (1) The latitude formerly used in stating time shall be...
- 5 The word “money” shall include cheques, banknotes, postal orders, money...
- 6 Any document referred to shall be referred to by a...
- 7 In an indictment which charges a crime importing personal injury...
- 8 (1) In an indictment or a complaint charging the resetting...
- 9 (1) Where two or more crimes or acts of crime...
- 10 (1) Under an indictment or, as the case may be,...
- 11 In an indictment or complaint charging a contravention of an...
- 12 In a complaint charging a contravention of an enactment—
- 13 In the case of an offence punishable under any enactment,...
- 14 Where— (a) any act alleged in an indictment or complaint...
- 15 Where the evidence in a trial is sufficient to prove...
- 16 Where, in relation to an offence created by or under...
- 17 It shall be competent to include in one indictment or...
- 18 In any proceedings under the Merchant Shipping Acts it shall...
- 19 In offences inferring dishonest appropriation of property brought before a...

### SCHEDULE 4 — Supervision and Treatment Orders

#### Part I — PRELIMINARY

- 1 (1) In this Schedule “supervision and treatment order” means an...

#### 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...

##### *Making of orders and general requirements*

- 3 (1) A supervision and treatment order shall specify the local...

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*Obligatory requirements as to medical treatment*

4 (1) A supervision and treatment order shall include a requirement...

*Optional requirements as to residence*

5 (1) Subject to sub-paragraphs (2) to (4) below, a supervision...  
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...

*Amendment of order by reason of change of residence*

7 (1) This paragraph applies where, at any time while a...

*Amendment of requirements of order*

8 (1) Without prejudice to paragraph 7 above, but subject to...

*Amendment of requirements in pursuance of medical report*

9 (1) Where the medical practitioner by whom or under whose...

*Supplemental*

10 (1) On the making under paragraph 6 above of an...

11 (1) On the making under paragraph 7 or 8 above...

12 On the making, revocation or amendment of a supervision and...

SCHEDULE 5 — Forms of Complaint and Charges

The following Forms are additional to those contained in Schedule...

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

You did conduct yourself in a disorderly manner and commit...

You did threaten violence to the lieges and commit a...

You did fight and commit a breach of the peace...

You did publicly expose your person in a shameless and...

You did obtain from A.N. board and lodging to the...

You did maliciously knock down 20 metres of the coping...

You did maliciously place a block of wood on the...

You did drive a horse and cart recklessly to the...

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

You did steal a coat which you obtained from R.O....

having received from D.G. £6 to hand to E.R., you...

having received from G.R. a watch in loan, you did...

having found a watch, you did, without trying to discover...

You did acquire from K.O., a private in the Third...

You, being a person whose estate has been sequestrated, did...

You, being the occupier of the said house, did use...

You did frequent and loiter in the said street for...

You did assault L.S., a constable of the Police, while...

.....

You did wilfully neglect your children K.I., aged seven years;...

You are the owner of a dog which is dangerous...

You, being a parent of D.U., a child of school...

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- .....
- .....
- You did sell and deliver to N.C. to his prejudice...
- You did take part in gaming in the street contrary...
- ...
- ...
- ...
- ...
- You did present or cause to be presented to W.E.,...
- .....
- .....
- You did drive a motor car recklessly contrary to section...
- You did act as a pedlar without having obtained a...
- .....
- You did travel in a railway carriage without having previously...
- having on within the house No. Street, given birth to...
- You did take two salmon during the annual close time...
- You had in your possession for use for trade a...

SCHEDULE 5ZA — Serious terrorism offences

PART 1 — TERRORISM OFFENCES

*Terrorism Act 2000*

- 1 An offence under any of the following provisions of the...

*Terrorism Act 2006*

- 2 An offence under any of the following provisions of the...

*Ancillary offences*

- 3 (1) An attempt to commit an offence specified in the...  
PART 2 — OTHER OFFENCES (IN CASE WHERE AGGRAVATED BY HAVING  
A TERRORIST CONNECTION UNDER SECTION 31 OF THE  
COUNTER-TERRORISM ACT 2008)

*Common law offences*

- 4 Culpable homicide.
- 5 Abduction.
- 6 Assault by explosive device.
- 7 Assault to severe injury.
- 8 Assault and poisoning.
- 9 Poisoning.
- 10 Robbery.
- 11 Assault with intent to rob.
- 12 Wilful fire-raising.
- 13 Malicious mischief.

*Explosive Substances Act 1883*

- 14 An offence under any of the following provisions of the...

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*Firearms Act 1968*

15 An offence under any of the following provisions of the...

*Biological Weapons Act 1974*

16 An offence under section 1 of the Biological Weapons Act...

*Taking of Hostages Act 1982*

17 An offence under section 1 of the Taking of Hostages...

*Aviation Security Act 1982*

18 An offence under any of the following provisions of the...

*Nuclear Material (Offences) Act 1983*

19 An offence under either of the following provisions of the...

*Criminal Justice Act 1988*

20 An offence under section 134 of the Criminal Justice Act...

*Aviation and Maritime Security Act 1990*

21 An offence under any of the following provisions of the...

*Channel Tunnel (Security) Order 1994*

22 An offence under Part 2 of the Channel Tunnel (Security)...

*Chemical Weapons Act 1996*

23 An offence under either of the following provisions of the...

*Anti-terrorism, Crime and Security Act 2001*

24 An offence under either of the following provisions of the...

*International Criminal Court (Scotland) Act 2001 (asp 13)*

25 An offence under section 1 or 2 of the International...

*Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)*

26 An offence under either of the following provisions of the...

*Space Industry Act 2018*

27 An offence under any of the following provisions of Schedule...

*Ancillary offences*

28 (1) An attempt to commit an offence specified in the...

29 (1) An attempt to commit murder. (2) Conspiracy to commit...

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*Terrorism Act 2000*

- 1 An offence under any of the following provisions of the...

*Anti-terrorism, Crime and Security Act 2001*

- 2 An offence under section 113 of the Anti-terrorism, Crime and...

*Terrorism Act 2006*

- 3 An offence under any of the following provisions of the...

*Counter-Terrorism Act 2008*

- 4 An offence under section 54 of the Counter-Terrorism Act 2008...

*Terrorism Prevention and Investigation Measures Act 2011*

- 5 An offence under section 23 of the Terrorism Prevention and...

*Counter-Terrorism and Security Act 2015*

- 6 An offence under section 10 of the Counter-Terrorism and Security...

*Ancillary offences*

- 7 (1) An attempt to commit an offence specified in the...

*Abolished offences*

- 8 An offence that— (a) was abolished before the coming into...

SCHEDULE 5ZC — Terrorism offences

PART 1 — TERRORISM OFFENCES

*Terrorism Act 2000*

- 1 An offence under any of the following provisions of the...

*Anti-Terrorism, Crime and Security Act 2001*

- 2 An offence under section 113 of the Anti-Terrorism, Crime and...

*Terrorism Act 2006*

- 3 An offence under any of the following provisions of the...

*Ancillary offences*

- 4 (1) An attempt to commit an offence specified in the...

PART 2 — OTHER OFFENCES (IN CASE WHERE AGGRAVATED BY HAVING A TERRORIST CONNECTION UNDER SECTION 31 OF THE COUNTER-TERRORISM ACT 2008)

*Common law offences*

- 5 Culpable homicide.  
6 Abduction.  
7 Assault by explosive device.

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- 8 Assault to severe injury.
- 9 Assault and poisoning.
- 10 Poisoning.
- 11 Robbery.
- 12 Assault with intent to rob.
- 13 Wilful fire-raising.
- 14 Malicious mischief.

*Explosive Substances Act 1883*

- 15 An offence under any of the following provisions of the...

*Firearms Act 1968*

- 16 An offence under any of the following provisions of the...

*Biological Weapons Act 1974*

- 17 An offence under section 1 of the Biological Weapons Act...

*Taking of Hostages Act 1982*

- 18 An offence under section 1 of the Taking of Hostages...

*Aviation Security Act 1982*

- 19 An offence under any of the following provisions of the...

*Nuclear Material (Offences) Act 1983*

- 20 An offence under either of the following provisions of the...

*Criminal Justice Act 1988*

- 21 An offence under section 134 of the Criminal Justice Act...

*Aviation and Maritime Security Act 1990*

- 22 An offence under any of the following provisions of the...

*Channel Tunnel (Security) Order 1994*

- 23 An offence under Part 2 of the Channel Tunnel (Security)...

*Chemical Weapons Act 1996*

- 24 An offence under either of the following provisions of the...

*Anti-terrorism, Crime and Security Act 2001*

- 25 An offence under either of the following provisions of the...

*International Criminal Court (Scotland) Act 2001 (asp 13)*

- 26 An offence under section 1 or 2 of the International...

*Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)*

- 27 An offence under either of the following provisions of the...

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*Space Industry Act 2018*

28 An offence under any of the following provisions of Schedule...

*Ancillary offences*

29 (1) An attempt to commit an offence specified in the...

30 (1) An attempt to commit murder. (2) Conspiracy to commit...

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SCHEDULE 7 —

1 .....

2 .....

3 .....

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5A .....

6 .....

7 .....

8 .....

SCHEDULE 8 — Documentary Evidence in Criminal Proceedings

*Production of copy documents*

1 (1) For the purposes of any criminal proceedings a copy...

*Statements in business documents*

2 (1) Except where it is a statement such as is...

3 A statement in a document shall be admissible in criminal...

*Documents kept by businesses etc.*

4 Unless the court otherwise directs, a document may in any...

*Statements not contained in business documents*

5 (1) In any criminal proceedings, the evidence of an authorised...



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*Additional evidence where evidence from business documents challenged*

- 6 (1) This sub-paragraph applies where— (a) evidence has been admitted...

*General*

- 7 (1) Nothing in this Schedule— (a) shall prejudice the admissibility...  
8 In this Schedule— “business” includes trade, profession or other occupation;...

SCHEDULE 9 — Certificates as to Proof of Certain Routine Matters

SCHEDULE 9A — The Commission: Further Provisions

*Membership*

- 1 Her Majesty shall, on the recommendation of the Secretary of...  
2 (1) Subject to the following provisions of this paragraph, a...

*Members and employees*

- 3 (1) The Commission shall— (a) pay to members of the...  
4 (1) The Commission may appoint a chief executive and such...  
5 The Commission shall pay to the Minister for the Civil...

*Procedure*

- 6 (1) The arrangements for the procedure of the Commission (including...

*Evidence*

- 7 A document purporting to be— (a) duly executed under the...

*Annual reports and accounts*

- 8 (1) As soon as possible after the end of each...  
9 (1) The Commission shall— (a) keep proper accounts and proper...  
10 For the purposes of this Schedule the Commission’s financial year...

*Expenses*

- 11 The Secretary of State shall defray the expenses of the...

SCHEDULE 10 — Certain Offences Triable only Summarily

*Night Poaching Act 1828 (c. 69)*

- 1 Offences under section 1 of the Night Poaching Act 1828...

*Public Meeting Act 1908 (c.66)*

- 2 Offences under section 1(1) of the Public Meeting Act 1908...

*Post Office Act 1953 (c. 36)*

- 3 Certain Offences Triable only Summarily

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

- 4 Offences under the following provisions of the Betting, Gaming and...

*Theatres Act 1968 (c.54)*

- 5 Offences under section 6 of the Theatres Act 1968 (provocation...

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

- 6 Offences under section 12(1) of the Criminal Law (Consolidation) (Scotland)...

SCHEDULE 11 — FINANCIAL PENALTIES SUITABLE FOR ENFORCEMENT IN SCOTLAND

*Person residing in Scotland*

- 1 The financial penalty is suitable for enforcement in Scotland if...

*Person having property et cetera et c. in Scotland*

- 2 The financial penalty is suitable for enforcement in Scotland if—...

*Person having property et cetera et c. in Scotland and England and Wales*

- 3 (1) This paragraph applies if— (a) the certificate states that...

*Person having property et cetera et c. in Scotland and Northern Ireland*

- 4 (1) This paragraph applies if— (a) the certificate states that...

*Person having property et cetera et c. in Scotland and England and Wales and Northern Ireland*

- 5 (1) This paragraph applies if— (a) the certificate states that...

*Interpretation*

- 6 Where the person required to pay the financial penalty is...  
7 In this Schedule, unless the context otherwise requires, references to...

SCHEDULE 12 — GROUNDS FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES

PART 1 — THE GROUNDS FOR REFUSAL

- 1 A penalty (of any kind) has been imposed on the...  
2 A penalty (of any kind) has been imposed on the...  
3 The decision was made in respect of conduct—  
4 The decision to which the financial penalty relates was made...  
5 The decision ... was made in respect of conduct by...  
5A The certificate— (a) is incomplete (including by reason of not...  
6 Where the proceedings in which the decision was made were...  
6A (1) The certificate— (a) indicates that the decision is neither...  
7 (1) The financial penalty is for an amount of less...

PART 2 — EUROPEAN FRAMEWORK LIST (FINANCIAL PENALTIES)

- 8 Participation in a criminal organisation.  
9 Terrorism.

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- 10 Trafficking in human beings.
  - 11 Sexual exploitation of children and child pornography.
  - 12 Illicit trafficking in narcotic drugs and psychotropic substances.
  - 13 Illicit trafficking in weapons, munitions and explosives.
  - 14 Corruption.
  - 15 Fraud, including that affecting the financial interests of the European...
  - 16 Laundering of the proceeds of crime.
  - 17 Counterfeiting currency, including of the euro.
  - 18 Computer-related crime.
  - 19 Environmental crime, including illicit trafficking in endangered animal species and...
  - 20 Facilitation of unauthorised entry and residence.
  - 21 Murder, grievous bodily injury.
  - 22 Illicit trade in human organs and tissue.
  - 23 Kidnapping, illegal restraint and hostage-taking.
  - 24 Racism and xenophobia.
  - 25 Organised or armed robbery.
  - 26 Illicit trafficking in cultural goods, including antiques and works of...
  - 27 Swindling.
  - 28 Racketeering and extortion.
  - 29 Counterfeiting and piracy of products.
  - 30 Forgery of administrative documents and trafficking therein.
  - 31 Forgery of means of payment.
  - 32 Illicit trafficking in hormonal substances and other growth promoters.
  - 33 Illicit trafficking in nuclear or radioactive materials.
  - 34 Trafficking in stolen vehicles.
  - 35 Rape.
  - 36 Arson.
  - 37 Crimes within the jurisdiction of the International Criminal Court.
  - 38 Unlawful seizure of aircraft or ships.
  - 39 Sabotage.
  - 40 Conduct which infringes road traffic regulations, including breaches of regulations...
  - 41 Smuggling of goods.
  - 42 Infringements of intellectual property rights.
  - 43 Threats and acts of violence against persons, including violence during...
  - 44 Criminal damage.
  - 45 Theft.
  - 46 Offences created by the issuing State and serving the purpose...
- PART 3 — INTERPRETATION
- 47 (1) In this Schedule— (za) “certificate” means the certificate referred...

SCHEDULE 13 — TRANSFER OF COMMUNITY PAYBACK ORDERS TO  
ENGLAND AND WALES OR NORTHERN IRELAND

PART 1 — ENGLAND AND WALES

- 1 (1) This paragraph applies where the court is considering imposing...
- 2 (1) This paragraph applies where— (a) an offender on whom...
- 3 (1) This paragraph applies where the court is considering—
- 4 (1) The court may not, in a community payback order...
- 5 (1) This paragraph applies where the court—
- 6 (1) This paragraph applies where the court has—
- 7 (1) In this Part— ... .. “the appropriate Scottish court”...

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## PART 2 — NORTHERN IRELAND

- 8 (1) This paragraph applies where the court is considering imposing...
- 9 (1) This paragraph applies where— (a) an offender on whom...
- 10 (1) This paragraph applies where the court is considering—
- 11 (1) The court may not, in a community payback order...
- 12 (1) This paragraph applies where the court—
- 13 (1) This paragraph applies where the court has—
- 14 (1) In this Part— “the 1996 Order ” means the...

## — TABLE OF DERIVATIONS

- 1 *Notes:*
- 2 The following abbreviations are used in the Table:— Acts of...

### Changes to legislation:

Criminal Procedure (Scotland) Act 1995 is up to date with all changes known to be in force on or before 03 April 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.

[View outstanding changes](#)

### Changes and effects yet to be applied to :

- s. 303B and cross-heading repealed by 2016 asp 1 s. 111(2)(b)
- s. 288ZA heading words substituted by 2024 asp 1 s. 32(2)
- s. 6(2) power to amend conferred by 2007 asp 6 s. 63(2)
- s. 13(2) words substituted by 2006 asp 10 s. 82(3)(a)
- s. 13(5)(d) word substituted by 2006 asp 10 s. 82(5)(b)
- s. 13(6)(a) word repealed by 2006 asp 10 s. 82(6)(a)
- s. 20 applied (with modifications) by 2000 c. 11 Sch. 8 para. 21 (as inserted) by 2008 c. 28 s. 17(3) (This amendment not applied to legislation.gov.uk. S. 17 repealed (31.10.2013) by 2012 c. 9, Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(d))
- s. 23B(3) repealed by 2023 asp 4 s. 2(2)(b)
- s. 23B(4) words inserted by 2023 asp 4 s. 1(3)(a)
- s. 23B(6) words inserted by 2023 asp 4 s. 1(3)(b)
- s. 23B(7) words inserted by 2023 asp 4 s. 1(3)(d)(ii)
- s. 23B(7) words substituted by 2023 asp 4 s. 1(3)(d)(i)
- s. 23C(1)(a) words inserted by 2023 asp 4 s. 2(3)(a)
- s. 23D repealed by 2023 asp 4 s. 3
- s. 24(2B)(a) words substituted by 2023 asp 4 s. 4(3)
- s. 24(8) words inserted by 2023 asp 4 s. 4(5)
- s. 52G(4A)(b) words substituted (temp.) by 2020 c. 7 Sch. 9 para. 12
- s. 52M(2) modified (temp.) by 2020 c. 7 Sch. 9 para. 13
- s. 53(2) modified (temp.) by 2020 c. 7 Sch. 9 para. 13
- s. 53(8) modified (temp.) by 2020 c. 7 Sch. 9 para. 14
- s. 54(1) modified (temp.) by 2020 c. 7 Sch. 9 para. 13
- s. 54(2B) modified (temp.) by 2020 c. 7 Sch. 9 para. 14
- s. 57A(2)(5)(6) modified (temp.) by 2020 c. 7 Sch. 9 para. 13
- s. 57A(5) modified (temp.) by 2020 c. 7 Sch. 9 para. 14
- s. 59A(2) modified (temp.) by 2020 c. 7 Sch. 9 para. 13
- s. 59A(4)(7) modified (temp.) by 2020 c. 7 Sch. 9 para. 14
- s. 60C(2) modified (temp.) by 2020 c. 7 Sch. 9 para. 13
- s. 71A(1)(a) words substituted by 2004 asp 3 s. 7(2)
- s. 73(3A)(3B) inserted by 2004 asp 3 s. 2(2)(a)
- s. 73(4) words substituted by 2004 asp 3 s. 2(2)(b)
- s. 136(3) applied by S.I. 2020/733 reg. 53(4)(a) (This amendment not applied to legislation.gov.uk. Regulations revoked prospectively by S.I. 2020/1278, regs. 1(2), 66(4))
- s. 136(3) applied by S.I. 2021/1404 reg. 35(4)(a) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. Although it was debated, it was not approved by resolutions of both Houses within the required timeframe, so it has expired with no effect. See the Twelfth Report of Session 2022-23 of the Joint Committee on Statutory Instruments)
- s. 141(3A) repealed by 2016 asp 1 s. 111(2)(a)(i)
- s. 141(5) words repealed by 2016 asp 1 s. 111(2)(a)(ii)
- s. 141(5A)(b) and word repealed by 2016 asp 1 s. 111(2)(a)(iv)
- s. 141(5ZA) repealed by 2016 asp 1 s. 111(2)(a)(iii)
- s. 141(6A) repealed by 2016 asp 1 s. 111(2)(a)(v)
- s. 141(7A) repealed by 2016 asp 1 s. 111(2)(a)(v)
- s. 141(7B) repealed by 2016 asp 1 s. 111(2)(a)(v)
- s. 167(7) words substituted by 2007 asp 17 sch. 4 para. 1(2)(b)

- s. 167(7) words substituted by 2007 asp 17 sch. 4 para. 1(2)(c)
- s. 167(7)(a) and word repealed by 2007 asp 17 sch. 4 para. 1(2)(a)
- s. 167(7A)-(7C) repealed by 2007 asp 17 sch. 5
- s. 169 repealed by 2010 asp 13 s. 16(2)
- s. 181(1A) words substituted by 2014 asp 18 sch. 3 para. 10(4)
- s. 181(1B) words substituted by 2014 asp 18 sch. 3 para. 10(5)
- s. 181(5) words substituted by 2014 asp 18 sch. 3 para. 10(8)
- s. 191B words substituted by 2014 asp 18 sch. 3 para. 22
- s. 204A words substituted by 2007 asp 17 sch. 4 para. 2
- s. 204B repealed by 2007 asp 17 sch. 5
- s. 206(1) word substituted by 2010 asp 13 s. 16(3)(a)
- s. 206(2)-(6) repealed by 2010 asp 13 s. 16(3)(b)
- s. 210A(1)(b) word inserted by 2007 asp 17 sch. 4 para. 3(2)
- s. 210A(1)(b) words inserted by 2010 asp 13 Sch. 3 para. 17(2)
- s. 210A(2)(a) word substituted by 2007 asp 17 sch. 4 para. 3(3)(a)
- s. 210A(2)(b) word inserted by 2007 asp 17 sch. 4 para. 3(3)(b)
- s. 210A(2)(b) words inserted by 2010 asp 13 Sch. 3 para. 17(2)
- s. 210A(6) word substituted by 2007 asp 17 sch. 4 para. 3(4)
- s. 210A(10) words inserted by 2010 asp 13 Sch. 3 para. 17(3)
- s. 210A(10) words substituted by 2007 asp 17 sch. 4 para. 3(5)
- s. 214(2)(4) modified by 1997 c. 48 s. 33(3)Sch. 2 para. 1(3) (This amendment not applied to legislation.gov.uk. 1997 c. 48, Sch. 2 para. 1(3) repealed (30.9.1998) without ever being in force by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 142, Sch. 10; S.I. 1998/2327, art. 2(1)(y)(aa)(2)(pp)(3)(y))
- s. 216 modified by 1997 c. 48 s. 33(3)Sch. 2 para. 1(3) (This amendment not applied to legislation.gov.uk. 1997 c. 48, Sch. 2 para. 1(3) repealed (30.9.1998) without ever being in force by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 142, Sch. 10; S.I. 1998/2327, art. 2(1)(y)(aa)(2)(pp)(3)(y))
- s. 245C applied by 2007 asp 17 s. 49(2)
- s. 245C(1)(3) modified by 2003 c. 44 Sch. 11 Pt. 5 para. 23
- s. 248D(10) words substituted by 2022 c. 32 s. 142(10)(c)(ii) (This amendment not applied to legislation.gov.uk. The words purportedly substituted are not present in s. 248D(10).)
- s. 271A(2) words substituted by 2019 asp 8 s. 6(3)(a)
- s. 271A(6)(b) words inserted by 2019 asp 8 s. 6(3)(b)
- s. 271A(6)(c) words inserted by 2019 asp 8 s. 6(3)(c)
- s. 271A(10)(b)(i) words substituted by 2010 asp 13 s. 87(3)(f)
- s. 271A(14) words inserted by 2019 asp 8 s. 6(3)(d)
- s. 271E(1)(a) words inserted by 2019 asp 8 s. 6(5)
- s. 288B(1) words inserted by 2024 asp 1 s. 32(4)
- s. 302(9)(a) words inserted by 2003 c. 21 Sch. 17 para. 133(2)
- s. 307(1) words inserted by 2010 asp 13 s. 200(3)(a)
- s. 307(1) words substituted by 2010 asp 13 s. 200(3)(b)
- s. 307(1) words substituted by 2010 asp 13 s. 200(3)(c)
- s. 308A repealed by 2016 asp 1 s. 111(2)(c)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**  
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by 2010 asp 13 Sch. 7 para. 26
- s. 13(1B)(1C) inserted by 2006 asp 10 s. 82(2)
- s. 13(2)(aa) inserted by 2006 asp 10 s. 82(3)(b)
- s. 13(3A) inserted by 2006 asp 10 s. 82(4)
- s. 13(5)(ba) inserted by 2006 asp 10 s. 82(5)(a)
- s. 13(6)(a)(iii) and word inserted by 2006 asp 10 s. 82(6)(b)
- s. 13(8) inserted by 2006 asp 10 s. 82(7)

- s. 22(5A) inserted by 2007 asp 6 s. 7(2)(g)
- s. 22A(1A) inserted by 2023 asp 4 s. 1(2)
- s. 23B(1)(1A) substituted for s. 23B(1) by 2023 asp 4 s. 2(2)(a)
- s. 23B(6A) inserted by 2023 asp 4 s. 1(3)(c)
- s. 23B(8)-(10) inserted by 2023 asp 4 s. 2(2)(c)
- s. 23C(1A) inserted by 2023 asp 4 s. 2(3)(b)
- s. 23C(3) inserted by 2023 asp 4 s. 2(3)(c)
- s. 24(2C) inserted by 2023 asp 4 s. 4(4)
- s. 24(2AA) inserted by 2023 asp 4 s. 4(2)
- s. 73A inserted by 2004 asp 3 s. 2(3)
- s. 167(7D)(7E) inserted by 2007 asp 17 sch. 4 para. 1(3)
- s. 167(7D) words substituted by 2010 asp 13 Sch. 3 para. 16(2)
- s. 167(7E) words substituted by 2010 asp 13 Sch. 3 para. 16(3)
- s. 194ZA repealed by 2014 asp 18 sch. 3 para. 25
- s. 200A inserted by 2016 asp 1 s. 85
- s. 205A added by 1997 c. 48 s. 1(1) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by 2023 asp 4 s. 5
- s. 249(4A)-(4D) inserted by 2014 asp 1 s. 24
- s. 271D(4A) inserted by 2019 asp 8 s. 6(4)
- s. 271F(2)(aa) inserted by 2019 asp 8 s. 10(4)
- s. 271AA inserted by 2019 asp 8 s. 6(2)
- s. 271BZD inserted by 2019 asp 8 s. 3(2)
- s. 288AB288AC inserted by 2024 asp 1 s. 32(3)
- Sch. 5A added by 1997 c. 48 s. 1(2) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)