



# Criminal Procedure (Scotland) Act 1975

## 1975 CHAPTER 21

### <sup>F1</sup>PROCEDURE PRIOR TO TRIAL

#### <sup>F1</sup> *The Indictment*

##### Textual Amendments

<sup>F1</sup> Act repealed (S.) (1.4.1996) by [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995](#) (c. 40), s. 6(1), [Sch. 5](#) (with ss. 4, 6(2), [Sch. 3](#) paras. 3, 16, [Sch. 6](#))

<sup>F1</sup>**41** Indictment forms. **S**

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<sup>F1</sup>**42** Resignation, death or demission of office of Lord Advocate. **S**

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<sup>F1</sup>**43** Naming of accused. **S**

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<sup>F1</sup>**44** Nomen juris unnecessary. **S**

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<sup>F1</sup>**45** Case of two or more persons charged. **S**

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<sup>F1</sup>**46** “Guilty, actor or art and part” unnecessary. **S**

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*Changes to legislation: Criminal Procedure (Scotland) Act 1975, Cross Heading: The Indictment is up to date with all changes known to be in force on or before 07 August 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) View outstanding changes*

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**F147** “All which or part” implied. **S**  
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**F148** Qualifying words to be implied. **S**  
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**F148A** Common law and statutory offences in same indictment. **S**  
.....

**F148B** Description of offence in words of statute or order. **S**  
.....

**F149** Quotation of statutes unnecessary. **S**  
.....

**F150** Latitude as to time and place. **S**  
.....

**F151** Latitude as to quantities, persons, things or modes. **S**  
.....

**F152** Description of buildings, goods, money or other property. **S**  
.....

**F153** Description of persons, goods, etc. **S**  
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**F154** “Money” to include coin, bank notes and post office orders. **S**  
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**F155** Setting forth documents unnecessary. **S**  
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**F156** Declarations, etc., not averred. **S**  
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**F157** Indictments, etc., written or printed or partly so. **S**  
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**<sup>F1</sup>58 Authentication of alterations to indictment, etc. S**

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**<sup>F1</sup>59 Reset. S**

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**<sup>F1</sup>60 Robbery, etc. to include reset, and theft to include breach of trust, etc. S**

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**<sup>F1</sup>60A Proceedings under the Merchant Shipping Acts. S**

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**<sup>F1</sup>61 Procedure where more than one crime charged. S**

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**<sup>F1</sup>62 ..... S**

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**<sup>F1</sup>63 Attempt at crime. S**

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**<sup>F1</sup>64 Statutory offences which are offences at common law. S**

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**<sup>F1</sup>65 Superfluous particulars as to identity. S**

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**<sup>F1</sup>66 Proof of exceptions, qualifications, etc. S**

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**<sup>F1</sup>67 Offence committed in special capacity. S**

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**Changes to legislation:**

Criminal Procedure (Scotland) Act 1975, Cross Heading: The Indictment is up to date with all changes known to be in force on or before 07 August 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 the whole Act associated Parts and Chapters:**

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn. of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)Sch. 4 para. 24\(17\)\(b\)\(i\)Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)