



# Criminal Procedure (Scotland) Act 1975

## 1975 CHAPTER 21

### PROCEDURE PRIOR TO TRIAL

#### *Lodging of List of Witnesses, Productions, Special Defence, Etc.*

#### **82 Written notice of special defence and examination of witnesses and productions not included in lists lodged.**

- [<sup>F1</sup>(1) It shall not be competent for an accused to state a special defence or to lead evidence calculated to exculpate the accused by incriminating a co-accused unless—
- (a) a plea of special defence, or as the case may be, notice of intention to lead such evidence, has been lodged not less than 10 clear days before the trial diet; or
  - (b) the accused having satisfied the court that there was good reason for paragraph (a) above not being complied with, such plea or notice has been lodged before the oath is administered to the jury.]
- (2) It shall not be competent for the accused to examine any witnesses or to put in evidence any productions not included in the lists lodged by the prosecutor, unless written notice of the names and addresses of such witnesses and of such productions shall have been given to the procurator fiscal of the district of the [<sup>F2</sup>trial diet] when the case is to be tried in the sheriff court, or to the Crown Agent where the case is to be tried in the High Court, at least three clear days before the day on which the jury is sworn to try the case, or unless the accused shall show before a jury is sworn to try the case that he was unable to give the full notice of three days in regard to any witnesses he may desire to examine or productions he may desire to lodge, and where this is shown the court shall give such remedy to the prosecutor by adjournment or postponement of the trial or otherwise as shall seem just.
- (3) A copy of every written notice required by the last foregoing subsection shall be lodged by the accused with the sheriff clerk of the district in which the [<sup>F2</sup>trial diet] is to be held, or in any case the [<sup>F2</sup>trial diet] of which is to be held in the High Court in Edinburgh with the Clerk of Justiciary, at or before the [<sup>F2</sup>trial diet], for the use of the court.

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*Status: Point in time view as at 03/02/1995. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1975, Section 82 is up to date with all changes known to be in force on or before 01 September 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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#### **Textual Amendments**

- F1** S. 82(1) substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), s. 13, **Sch. 6 para. 1**
- F2** Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), Sch. 4 para. 10, **Sch. 6 para. 1**

**Status:**

Point in time view as at 03/02/1995. This version of this provision has been superseded.

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Criminal Procedure (Scotland) Act 1975, Section 82 is up to date with all changes known to be in force on or before 01 September 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.