



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

An Act to consolidate certain enactments relating to criminal procedure in Scotland. [8th November 1995]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Extent Information

- E1** Act extends to Scotland; for sections extending to England and Wales, Northern Ireland and the Isle of Man, see s. 309(3)-(6).

### Modifications etc. (not altering text)

- C1** Act modified (1.4.1997) by [S.I. 1996/3255, reg. 5](#)
- C2** Act amended (temp. from 1.4.1996) by 1995 c. 40, ss. 4, 7(2), [Sch. 3 Pt. II para. 5](#)
- C3** Act extended (S.) (1.4.1996) by 1995 c. 40, [ss. 1, 2\(2\), 7\(2\)](#)
- C4** Act excluded (S.) (1.4.1996) by 1995 c. 39, [ss. 46\(3\), 53\(2\)](#)
- C5** Act construed (S.) (1.4.1996) with 1995 c. 39, [ss. 43\(2\), 53\(2\)](#)
- C6** Act applied (3.7.2001) by [S.I. 2001/1701, reg. 17, Sch. 13 para. 14\(3\)](#);  
Act applied (20.11.2002) by [Copyright, Designs and Patents Act 1988 \(c. 48\), ss. 114B\(6\), 204B\(6\), 297D\(6\)](#) (as inserted by [Copyright, etc. and Trade Marks \(Offences and Enforcement\) Act 2002 \(c. 25\), ss. 3, 4, 5; S.I. 2002/2749, art. 2](#))  
Act applied (7.3.2005) by [The Electromagnetic Compatibility Regulations 2005 \(S.I. 2005/281\), reg. 98\(3\)](#)  
Act applied (S.) (5.10.2005) by [The Mental Health \(Cross border transfer: patients subject to detention requirement or otherwise in hospital\)\(Scotland\) Regulations 2005 \(S.S.I. 2005/467\), {reg. 46\(1\)}](#)  
Act modified (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\), ss. 43\(1\), 55\(1\); S.S.I. 2006/482, art. 2](#) (subject to art. 4)
- C7** Act modified (12.12.2007) by [Animal Welfare Act 2006 \(c. 45\), ss. 49\(1\), 68](#) (with ss. 1(2), 58(1), 59, 60); [S.S.I. 2007/519, art. 2](#)
- C8** Act modified (S.) (10.3.2008, 2.6.2008, 8.12.2008, 23.2.2009, 14.12.2009 and 22.2.2010 for certain purposes, otherwise prosp.) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\), ss.](#)

**Status:** Point in time view as at 05/11/2021.

**Changes to legislation:** Criminal Procedure (Scotland) Act 1995, Introductory Text is up to date with all changes known to be in force on or before 28 July 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)

**62(8)**, 84; S.S.I. 2008/42, **art. 3**, Sch.; S.S.I. 2008/192, **art. 3**, Sch.; S.S.I. 2008/362, **art. 3**, Sch.; S.S.I. 2009/432, **art. 3**, Schs. 1, 2

Act: power to apply conferred (S.) (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), **ss. 64(5)**, 84; S.S.I. 2007/479, **art. 3(1)**, Sch. (as amended by S.S.I. 2007/527)

Act: power to modify conferred (S.) (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), **ss. 64(6)(7)**, 84; S.S.I. 2007/479, **art. 3(1)**, Sch. (as amended by S.S.I. 2007/527)

- C9** various regulations applied by 1997 c. 43, Sch. 1 para. 19B (as inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 7** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u))
- C10** Act power to apply (with or without modifications) conferred by 2002 c. 29, s. 118(2B)(c) (as inserted (1.3.2016) by Serious Crime Act 2015 (c. 9), **ss. 19(1)(b)**, 88(2)(a); S.S.I. 2016/11, reg. 2(d) (with reg. 3))
- C11** 136(3) applied (31.12.2020) by The Guinea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/1145), regs. 1(2), **34(4)(a)**; S.I. 2020/1514, reg. 3(2)
- C12** Act modified (5.11.2021) by 1953 c. 28, **s. 2(1A)** (as inserted by Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021 (asp 18), **ss. 2(1)**, 7(2) (with s. 2(2)))

#### Commencement Information

- I1** Act wholly in force on 1.4.1996, see s. 309(2)

**Status:**

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**Changes to legislation:**

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