



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART VII

#### SOLEMN PROCEEDINGS

##### *Trial*

#### **97 No case to answer.**

- (1) Immediately after the close of the evidence for the prosecution, the accused may intimate to the court his desire to make a submission that he has no case to answer both—
  - (a) on an offence charged in the indictment; and
  - (b) on any other offence of which he could be convicted under the indictment.
- (2) If, after hearing both parties, the judge is satisfied that the evidence led by the prosecution is insufficient in law to justify the accused being convicted of the offence charged in respect of which the submission has been made or of such other offence as is mentioned, in relation to that offence, in paragraph (b) of subsection (1) above, he shall acquit him of the offence charged in respect of which the submission has been made and the trial shall proceed only in respect of any other offence charged in the indictment.
- (3) If, after hearing both parties, the judge is not satisfied as is mentioned in subsection (2) above, he shall reject the submission and the trial shall proceed, with the accused entitled to give evidence and call witnesses, as if such submission had not been made.
- (4) A submission under subsection (1) above shall be heard by the judge in the absence of the jury.

**Status:**

Point in time view as at 01/04/2006.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Criminal Procedure (Scotland) Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations.